
RULES AND REGULATIONS



WATER WORKS & SANITARY SEWER BOARD
of the
CITY OF MONTGOMERY, ALABAMA

Governing Service To:

WATER USERS,
SANITARY SEWER USERS,
and
INDUSTRIAL WASTE DISCHARGERS

Pursuant to the authority granted by the Code of Alabama, Section 11, Chapter 50, as amended, the Water Works and Sanitary Sewer Board of the City of Montgomery has adopted and approved the following Rules and Regulations.

These Rules and Regulations shall become effective 12/17/19.



TABLE OF CONTENTS

SECTION I WATER USERS	I-1
A. APPLICATION FOR CONNECTION TO WATER SYSTEM	I-1
B. APPLICATION FOR WATER SERVICE AND “TURN ON” PROCEDURE	I-3
C. APPLICATION FOR CONSTRUCTION WATER	I-4
D. CHANGE IN TENANCY OR SERVICE	I-5
E. TAPPING WATER MAINS FOR SERVICE TO INDIVIDUAL LOTS	I-6
F. TAPPING WATER MAINS FOR SERVICE TO NEW SUBSCRIBERS	I-9
G. DAMAGES AND ILLEGAL CONNECTIONS	I-9
H. MULTIPLE WATER CONSUMERS ON AN INDIVIDUAL LOT	I-11
I. CUSTOMER DEPOSITS	I-12
J. STOP AND WASTE	I-14
K. WATER METERS	I-14
L. PAYMENT OF WATER BILLS	I-15
M. USE OF PUBLIC FIRE HYDRANTS	I-18
N. PRIVATE FIRE PROTECTION, AUTOMATIC SPRINKLERS, ETC.	I-18
O. WATER MAIN EXTENSIONS	I-19
P. CROSS CONNECTION AND BACKFLOW PREVENTION	I-20
Q. ADDITIONAL GROUNDS FOR DISCONTINUING WATER SERVICE	I-20
R. APPLICATION FOR DEMOLITION	I-21
S. ENFORCEMENT	I-21
SECTION II SANITARY SEWER USERS	II-1
A. APPLICATION FOR CONNECTION TO SEWER SYSTEM	II-1
B. USE OF THE SANITARY SEWER	II-2
C. SEWER SERVICE AREA EXTENSIONS	II-7

RULES AND REGULATIONS

D. POWERS AND AUTHORITY OF INSPECTION.....II-7
E. ENFORCEMENTII-7

SECTION III PRETREATMENT REGULATIONSIII-1

A. GENERAL III-1
B. PRETREATMENT PROGRAM PROCEDURES FOR PERMITTING, COMPLIANCE TRACKING AND ENFORCEMENT III-1
C. GENERAL DISCHARGE PROHIBITIONS III-6
D. NATIONAL CATEGORICAL PRETREATMENT STANDARDS III-7
E. MODIFICATION OF NATIONAL CATEGORICAL PRETREATMENT STANDARDS III-8
F. POLLUTANT LIMITATIONS..... III-8
G. STATE REQUIREMENTS..... III-8
H. BOARD'S RIGHT OF REVISION III-8
I. EXCESSIVE DISCHARGE..... III-8
J. ACCIDENTAL DISCHARGES..... III-9
K. CHARGES AND FEES III-9
L. WASTEWATER DISCHARGERS III-10
M. WASTEWATER CONTRIBUTION PERMITS..... III-10
N. PERMIT MODIFICATIONS III-12
O. PERMIT CONDITIONS III-12
P. PERMIT DURATION..... III-13
Q. PERMIT TRANSFER..... III-13
R. REPORTING REQUIREMENTS FOR PERMITTEE III-13
S. MONITORING FACILITIES III-14
T. INSPECTION AND SAMPLING..... III-15
U. PRETREATMENT III-15
V. CONFIDENTIAL INFORMATION III-15
W. ENFORCEMENT III-16
X. SCHEDULE OF FEES, CHARGES AND PENALTIES RELATING TO RULES AND REGULATIONS ON PRETREATMENT OF INDUSTRIAL WASTE (AMENDED 2/15/94)..... III-18

SECTION IV INDUSTRIAL WASTE SURCHARGE.....IV-1

A. BASIS FOR SURCHARGE..... IV-1
B. ENFORCEMENT IV-1
C. CONTROL CHAMBERS IV-2

TABLE OF CONTENTS

D. VOLUME OF WASTE IV-3
E. SAMPLING OF WASTES..... IV-3
F. PENALTY FOR FAILURE TO PAY BILLS IV-3
SECTION V DEFINITIONS V-1
SECTION VI ABBREVIATIONS VI-1

TABLES

TABLE III-1: SCHEDULE OF FEES III-18
TABLE IV-1: PENALTY RATE SCHEDULE IV-2



SECTION I WATER USERS

A. APPLICATION FOR CONNECTION TO WATER SYSTEM

- (1) Connection with the mains of the Board may be made upon the written application of the Owner of the premises to be supplied with water (or his duly authorized agent), upon an application form provided by the Board, conditioned upon the agreement of the Owner to be bound by the Board's Rules and Regulations, as defined herein. Each applicant shall provide, at his expense, the service pipe or line between the main and water meter, including all appurtenant fittings, fixtures and appliances. The size, type and kind of material which the Owner desires to use shall be subject to approval of the Board and installation thereof shall be made by a Plumber or Utility Contractor, who shall also be bound by the Board's Rules and Regulations, as defined herein. Connection to the Board's water system shall comply with the Board's Rules and Regulations, Engineering Design Manual, and all applicable state and local laws, codes, regulations and rules.
- (2) When application is made for a connection with the mains of the Board to supply water to a house or houses on a street where there is no public water main the Board may consider granting permission to the Owner to install a suitable Service Main. In such cases, the Board will not consider or approve a Service Main for any street or area where full development of all lots would subsequently demand an extension of the Board's water distribution system for domestic purposes and/or fire protection. Under such conditions water mains sized for the full development shall be required.
- (3) When a new small tap (3/4" to 2") is to be made, a Plumber/Utility Contractor must provide the required documents to the Board and payment must be received before the tap is made. The Owner and Plumber/Utility Contractor are expressly bound by and must comply in all aspects with the Board's Rules and Regulations, as defined herein.

In every instance that application is made for connection of a domestic water service to the Board's mains, whether or not the line shall provide new service or increased water flow to premises already receiving domestic water service, the Owner must pay a sanitary sewer capacity charge established by the Board as outlined in the Board's then current and applicable fee schedule if the premises are connected to the Board's sanitary sewage system or if application for sanitary sewage service is being made concurrently

RULES AND REGULATIONS

with the water service application. Applicants for construction water permits must first obtain and present to the Board both a building and plumbing permit issued by the applicable governing authority. Additionally, the Owner must pay a water capacity charge as outlined in the Board's then current and applicable fee schedule. Water capacity charges shall be utilized by the Board to fund construction of new water treatment plants, expansions of existing water treatment plants, expansion of its water supply, and at the Board's discretion can be utilized for construction of major extensions of its water distribution system. The water and sewer capacity charges are based on the size and number of meters supplying water to the premises. Water and sewer capacity charges are in addition to any amount that might be expended by the Owner for water and sewer improvements or other Board fees, including, but not limited to tap, meter and box fees. The capacity charge is assigned to the premises served and is not transferable as personal property.

- (4) In every instance that application is made for approval of development plans or a subdivision plat prior to completion of new mains and appurtenances, the Owner must execute an indemnity agreement, acceptable to the Board, in which the Owner guarantees that all newly constructed mains, lines, and appurtenances will be installed in accordance with the Board's Engineering Design Manual. In addition, the Owner must provide security for the indemnity agreement in either (a) a performance bond from a bonding company licensed to do business in the State of Alabama and in good standing with the Alabama Department of Insurance, which bond may not be executed in an amount greater than ten percent (10%) of the policyholders surplus of the company, (b) a letter of credit issued in favor of the Board by a bank licensed to do business in Alabama and insured by the Federal Deposit Insurance Corporation, (c) a certified check made payable to the Board or (d) other guaranty acceptable to the Board for the performance of the terms of said indemnity agreement. The security provided will be returned to the Owner of the property upon satisfactory completion and acceptance of the subject mains, lines, and appurtenances by the Board, in accordance with the terms of said indemnity agreement. A maintenance period, extending for one year from written approval by the Board of the installation of new mains and appurtenances or until the last layer of asphalt required by the City has been applied, whichever period is longer, follows written approval by the Board of the completed installation. The Board shall not be responsible for repairs to said new mains, lines and appurtenances or for any damages arising from the installation until said maintenance period expires, at which time the Board will accept said new mains and appurtenances for maintenance.
- (5) Where a development wishes to construct and/or operate a wastewater collection and treatment system or a water supply and distribution system to serve an existing or proposed development that meets the state, county, and or city requirements for a separate utility, the Board may determine the development to be a separate utility. Once the Board determines the development a separate utility, the Board may require the developer to purchase water or wastewater services at a point of delivery or taking, and

require certain safeguards to be put in place in order to protect the Board's system, and the health and welfare of the general public. The Board will not have any duty to repair or maintain the lines, pipes, meters, mains, and laterals belonging to the developer.

B. APPLICATION FOR WATER SERVICE AND "TURN ON" PROCEDURE

- (1) Upon written application of a Consumer through any connection, water will be furnished by close of the next business day through connections already made by the Owner of any property. The Consumer shall be bound by the Board's Rules and Regulations, as defined herein. If service has been disconnected at the service location, see item (6) "Turn On" procedure listed below.
- (2) In order to apply for water service, the Consumer must state his/her name, the name of the Owner of the premises, the character and extent of the service desired, the identity of all adult persons to be residing at the service location, a description of the premises, including the name of street and house number, social security number, and also provide a valid picture identification (preferably a Driver's License or other photo identification), copy of a lease, deed or mortgage, and/or such other information as may reasonably be required by the Board to enable it to provide the requested service. The lease, deed, or mortgage must contain the name(s) of the lessee and lessor; seller and purchaser; address of the premise and the effective date of said instrument.
- (3) The Consumer, by making application to be supplied with water by the Board for the purpose stated, agrees to pay at the regular schedule of rates and to comply with the Rules and Regulations governing the service to water Consumers of the Board as such rules then exist or may thereafter be modified. The Consumer shall pay the charges for water service to the premises at the office of the Board in any manner of payment acceptable by the Board. The Board may discontinue the water service to any service location for failure by the Consumer to comply with the Rules and Regulations governing the service to water Consumers of the Board.
- (4) Realtors and landlords requesting water services for a vacant property must submit a request in writing agreeing to and accepting full responsibility for payment of all charges owed to the Board for services as of the date of said request and payment of any future charges for services provided to the service location. In the case of a realtor, said writing shall be executed by the realtor and the brokerage firm, if any, with who said realtor is affiliated. In the case of a landlord, said writing shall be executed by the landlord and the company, corporation or other entity, if any, with who said landlord is affiliated.
- (5) A contract for service for a corporation shall be executed by an authorized officer of the corporation. A contract for service for a limited liability company shall be executed by a member or manager of the limited liability company. A contract for services for any

RULES AND REGULATIONS

commercial entity other than a corporation or limited liability company shall be signed by an individual or individuals who shall be held personally responsible for the account.

(6) “Turn On” Procedure

When the Consumer or his agent requests water service to be turned on, the Board requests that someone be present at the time the service is connected. We will attempt to turn the water on without someone being present. However, when the water meter is installed or unlocked and water is running inside or outside the structure, the water will be left off at the meter. The Consumer or his agent must contact the Board’s office and reschedule for the next business day and the Consumer or his agent must be present when the water is being turned on. In all cases where the Board has to make two or more trips, the Consumer will be required to pay additional service charges and the Consumer or his agent must be present at the time the water is connected.

(7) When the Consumer or his agent request water service to be turned on or transferred, a New Service/Transfer fee as determined from time to time by the Board will be assessed to the new account. The New Service/Transfer fee will be billed to the consumer’s initial bill.

C. APPLICATION FOR CONSTRUCTION WATER

(1) No faucet or hose shall be connected directly to a meter or meter coupling. A private water lateral connecting directly to a meter or meter coupling must be extended a minimum of ten (10) feet from the meter before a faucet or hose may be attached.

(2) Where the Board is responsible for the maintenance of the meter or meter box to which construction water services are provided, the Board will bill the Builder for any damages to the water meter and/or meter box which occur before the first new Consumer at that service location notifies the Board that service is requested.

(3) **Residential Consumers**

The Builder or the Builder’s agent shall make application for construction water after obtaining both a building permit and a plumbing permit from the applicable governing authority. The Builder’s Plumber shall complete the Water Application and provide a copy of the building permit and the plumbing permit to the Board. The application shall specify the name of the Consumer to be billed.

After completing the requirements of the preceding paragraph, the Builder's Plumber is then authorized to connect the lateral from the water main directly to the house lateral with a “tee” spacer and faucet connection for supplying water for construction purposes. The leg of the “tee” spacer and faucet connection shall extend a minimum of 18" above the final grade of the property. It is the responsibility of the Board to identify the location of the lateral by marking the curb with a “W”. If the Board’s measurements are incorrect and the lateral cannot be located within reasonable time and effort, the Board’s personnel

should be notified to uncover the lateral. Upon receipt of the application for construction water, a meter will be set at the corresponding address.

For residential construction, the Consumer will be billed at the Builder's Rate, established by the Board and listed on the Board's other current and applicable regular schedule of metered rates, for each lot for which a plumbing permit was obtained. This rate only applies to residential construction. Upon a change in tenancy, ownership or service, metered water will be billed to the new Consumer on the date the Consumer notifies the Board that residential service is requested. In no case will the Builder's Rate be billed for a period to exceed (6) six months after the plumbing permit was acquired. After a six (6) month period, the Consumer will be billed at the Board's regular rate.

(4) Non-Residential Consumers

The Builder or the Builder's agent shall make application for construction water, after obtaining both a building permit and a plumbing permit from the applicable governing authority. The Builder's Plumber shall complete the "Commercial Water Application" along with a copy of the building permit and the plumbing permit to the Board. The application shall specify the name of the Consumer to be billed.

After completing the requirements of the preceding paragraph, the Builder's Plumber is then authorized to connect the lateral from the meter directly to the premises lateral. Upon receipt of the application for construction water, a meter will be set at the corresponding address.

A single meter may be installed to provide construction water for commercial premises adjacent to each other on a single lot. One meter, either a fire hydrant meter or one that will serve a permanent location at completion of the job, shall be installed during the construction phase. Also, as soon as construction permits, all meters will be set and put in the Consumer's name. The Consumer will be billed at the Board's regular schedule of metered rates for non-residential construction.

D. CHANGE IN TENANCY OR SERVICE

(1) Change in Tenancy or Service

The Consumer must make a new application to be considered by the Board upon any change in tenancy or in the service. The Board shall have the right to discontinue the Consumer's water supply upon any change in tenancy or in service until such new application is made and approved. Should a new Consumer occupying such premises fail to apply to the Board for water service within 5 business days after occupying such premises, the new Consumer shall be liable for all water charges that have accrued since the last reading of the meter, prior to the date said new Consumer occupied such premises, and shall continue to be liable for all water consumed and all other charges imposed under the Board's Rules and Regulations.

RULES AND REGULATIONS

(2) Name Change of a Consumer

When the primary Consumer of an account changes, the account must be put in the name of the new primary Consumer within 5 business days. Failure to inform the Board of these changes violates the Rules and Regulations governing the service to water Consumers of the Board, and the Board may discontinue water service at the premises at its own discretion.

(3) Death of a Consumer

Upon the death of a consumer, the name on the account should be changed to the name of the cotenant, the estate of the consumer or the executor of the estate within 30 days. The cotenant or executor of the estate is required to provide legal documentation supporting the request. If the cotenant request to have the primary consumer's name changed, a copy of the death certificate, letters testamentary or letters of administration is required. If the executor of the estate requests to have the name and/or mailing address changed, a copy of the death certificate, letters testamentary or letters of administration stating the name of the executor is required. The executor of the estate must provide valid picture identification, social security number and/or such other information as may reasonably be required by the Board to enable it to provide the requested service.

(4) Remove Name from Account

Upon the request of the consumer or cotenant to remove or change the name of the consumer or cotenant, legal documentation supporting the request must be provided. Examples of legal documentation include but are not limited to marriage certificate, divorce papers, executed lease, deed or mortgage.

(5) Landlords & Rental Property

Landlords and rental property owners may request services be disconnected on an account if the landlord or rental property owner has a court approved eviction notice. The copy of the eviction notice must be submitted to the Customer Service Department with a written request to have the services disconnected. The Board, in its sole discretion, may elect to honor the request but shall be under no obligation to do so.

E. TAPPING WATER MAINS FOR SERVICE TO INDIVIDUAL LOTS

- (1) The Board shall establish tap, meter, and box fees for 3/4", 1", 1-1/2", and 2" taps.
- (2) The tap fee for 3/4" and 1" shall include tapping material, meter, meter box, meter couplings, and labor to make the tap (after main is properly exposed by the Consumer's plumber) and set the meter and box.
- (3) The scheduled tapping fee for 1-1/2" and 2" taps shall include only labor and material to make the tap (after the main has been properly exposed by the Consumer's Plumber). Cost of the meter, meter box, meter couplings and labor for installation shall be in

addition to the scheduled tapping fee and these fees are listed in the Board's rate schedules. The basis for this cost shall be the cost of the meter plus 10%, the cost of associated installation material plus 20%, current equipment cost, and the estimated cost of labor plus the Board's current overhead figure.

- (4) Charges for taps and connections metered or fire line services in excess of two inches and less than 12 inch are listed in the Board's rate schedules. The Board shall make all such large taps. Prices for large taps are subject to change by the Board. The price shall include the labor only for the tap. All material, including meter and subsequent connections shall be furnished to the Board's Specifications by the Consumer. Upon installation, title and ownership to the materials shall vest in the Board. Thereafter, the Board will provide all maintenance and replace in size of such meters.
- (5) The installation of the 3/4" through 2" laterals from the tap to the final location of the meter shall be performed by a Plumber and paid for by the Consumer requesting service.
- (6) Only one tap fee will be charged for a water connection to any single lot regardless of the number of units such connection services, e.g., a manifold placed on the connection to serve one or more units upon property; however, charges will be made for additional material, labor and equipment required (plus the percentage factors as noted in Paragraph E(3) of this Section).
- (7) Where an existing connection serving two or more units is metered by a single meter, and request is made that each unit be metered separately, necessitating amplification of lateral from water main to manifold for multiple meter connection, the Board's tapping charge will not be applicable except for actual costs of additional material, labor and equipment required (plus the percentage factors as noted in Paragraph E(3) of this Section).
- (8) If both water service and sewer service are available, the Board will require that both connections be made before either service is provided by the Board except in cases where the rules of the County Health Department permit an existing septic tank. Sewer service will not be allowed without water service.
- (9) The Board reserves the exclusive right to tap or install connections in its water mains and it shall be unlawful for any plumber or any other person to introduce a ferrule or other fixture into the Board's water mains, except as expressly provided for in these Rules and Regulations.
- (10) All tap, meter, and box fees shall be paid for at the time of application.
- (11) A certificate of occupancy maybe withheld, where fire lines are installed, until sprinkler plans are submitted to the Board's Engineering and Records Department.
- (12) No plumber or any other person shall attach any fittings, fixtures or appliances to any water service connected to the Board's water mains, change location thereof, or in any

RULES AND REGULATIONS

manner alter or interfere with any water service connected with the Board's system, without first having obtained a written permit from the Board.

- (13) Should any person, in making a connection to the Board's water system or the Owner's service line, or in shutting off water at the curb stop, damage any property of the Board or of the property owners, such person shall pay the cost of the repair prior to restoration of services.
- (14) No person is authorized to turn water on at any house or premises except for the express purposes permitted by the Board. When a Plumber authorized by the Board to turn water on for the express purpose of testing work he has performed on the premises fails to turn water off after said testing has been completed, said Plumber shall be liable to the Board for charges due for the quantity of water used or wasted, as recorded by registration of meter. If no meter is installed in the water service, he will be responsible for the flat rate charge applicable to the house or premises where such act occurred.
- (15) No plumber shall allow his name to be used by any person or party for the purpose of obtaining permits or doing any work under his license.
- (16) No faucet or hose shall be connected directly to meter coupling. Line must be extended a minimum of ten (10) feet from meter before faucet or hose is attached.
- (17) Meter or meters installed for commercial construction will be the responsibility of the plumber until construction is completed.
- (18) A Consumer is prohibited from laying pipe across adjoining lots for service to his lot or from accessing water services from pipes located on or across adjoining lots without the express permission and approval of the Board. A Consumer who obtains water services by the Board may lose such services upon the Board's discovery of the prohibited act. Each water service shall serve a single platted lot and that lot only. Separate facilities occupying the same lot may be served by a common service.
- (19) A violation by a Plumber of any rule or regulation governing service to water Consumers of the Board shall constitute sufficient cause for the Board to disqualify the Plumber from performing work in connection with the Board's water system.
- (20) That portion of the water service lateral between the water main and the water meter at the curb will be maintained at the expenses of the Board, but maintenance of the remainder of the water service lateral to and on the premises, including all valves, fittings, and fixtures, shall be the responsibility of the Owner. Any leaks or breaks that occur in that portion of the lateral for which the Owner has responsibility shall be promptly repaired or replaced; otherwise, water service may be discontinued until such repairs or replacements are made by the Owner.
- (21) Any and all plumbing work affecting the Board's water or sewer system must be applied for in advance and performed by a Plumber.

- (22) Plumbers are authorized to make 3/4" and 1" taps only on lines not connected to the Board's system. Taps on active mains will be made by the Board's personnel. All large taps, 1-1/2" through 12", will be made by the Board's personnel. This includes projects under contract let by the Board.
- (23) A listing of current tapping charges can be obtained from the Board's Office.

F. TAPPING WATER MAINS FOR SERVICE TO NEW SUBSCRIBERS

- (1) Small taps on water lines installed by Owners shall be made by the Owner under the supervision of a Plumber or by a Plumber acting as an agent for the Owner during installation of the water line and in compliance with the Board's Rules and Regulations. A tap shall be made for each platted lot. A service lateral and necessary appurtenances meeting the Board's Engineering Design Manual shall be installed. Taps must be made prior to final pressure testing and chlorination, and the main must be valved off from the existing system. The owner (or his agent) shall make application for the Tapping Permit upon a form provided by the Board, conditioned upon the agreement of the applicant to be bound by the Rules and Regulations of the Board.
- (2) The owner (or his agent) shall pay the required Tapping Permit fee. The fee shall include the cost of the meter, meter box and lid, meter couplings, and meter installation. The owner shall provide at his expense the corporation stop, service line, corporation adapter, and curb stop meeting the specifications found in the Board's Engineering Design Manual.
- (3) All makes, sizes, and types of materials used by the Owner shall be approved by and shall be in accordance with specifications of the Board.
- (4) Taps made under this section shall be 3/4", 1", 1 1/2" and 2" only.
- (5) Each tap made, each lateral installed, and all water pipes, meters, and fixtures on the premises shall be subject to visual inspection by personnel of the Board.
- (6) The Owner or the Plumber, as agent for the Owner, is responsible for notifying the Board's inspector when work is begun, delayed, or resumed. All work completed without notification is subject to being refused final approval until satisfactory inspection can be made at the Owner's expense.

G. DAMAGES AND ILLEGAL CONNECTIONS

(1) Owner Responsibility to Maintain Services

The Owner shall maintain his service line and appurtenances thereto in such condition as to safeguard the property and the life and health of others. The owner shall be responsible for any damages caused by failure to maintain his service line properly and

RULES AND REGULATIONS

he shall hold the Board harmless for all claims, damages, or any other liability that might be caused by failure to maintain his service in satisfactory condition.

(2) **Failure to Make Repairs**

Should the Owner fail to repair his service line within the prescribed limit of time when notified by the Board that repairs are needed, the Board may shut off the water at the main. A charge based on the actual cost thereof to the Board, plus overhead charges calculated at the Board's current overhead figure, shall be made to cover the cost of shutting off water, and water shall not be turned on again until necessary repairs to the service line have been made by a Plumber.

(3) **Damage to Board Property**

All damage to water services, street mains, meters, meter boxes, lids, interface units, fire hydrants, or other property caused by negligence of any Consumer or by negligent or improper work on property of a Consumer may be charged to such Consumer and may be billed to such Consumer with his regular bill and shall be due and payable at the same time as the water bill. Failure to pay for such damages shall be good and sufficient reason for the Board to discontinue service and not to restore same until the Consumer has complied with all rules and regulations governing service to water Consumers of the Board, including the payment of charges for such damage.

(4) **Right to Turn Off Water**

As necessity may arise in case of break, emergency or for other unavoidable cause, the Board shall have the right to temporarily turn off the water supply in order to make necessary repairs, connections, etc. In such case, the Board shall not be liable for any damage to either person or property. The Board shall not be liable for any claim against it at any time for interruption in service, lessening of the supply, inadequate pressure, or a poor quality of water.

(5) **Sufficient Supply**

The Board shall have the right to reserve a sufficient supply of water at all times in its reservoirs to provide for fires and other emergencies, and may restrict the quantity of water used by Consumers in case of scarcity, or whenever the public welfare may require it. No street or lawn sprinkling shall be done in times of water shortages.

(6) **Illegal Connection**

Property owners shall be responsible and liable for all damages recoverable under Alabama law in the event that any illegal connection is made to the Board's water supply system. In the event that the Board determines that an illegal connection has been made, the Board may terminate said connection. The property owner must produce substantial evidence to refute the Board's determination that an illegal connection existed on the subject property. The Board shall issue its final opinion and assessment of damages

following consideration of any evidence presented by a property owner. The Board will not provide any water or sewer services to the subject property unless and until the Board's damage claim is satisfied.

(7) **Property Ownership**

Property Owners will be held responsible for any damage done to meters, meter boxes, lids, meter interface units, etc., due to negligence, vandalism, or damage done by any person or contractors on behalf of the Owner.

(8) **Tampering and Unlawful Taking of Water**

If an on-site inspection verifies tampering of Board property and/or the unlawful taking of water, the Board shall charge the customer an initial Tampering Charge to cover expenses in conducting the investigation and taking measures to deter further tampering. Repeat occurrences of tampering with Board property may result in the abandonment at the main of all services to the premise. If the premise is vacant, the owner of the property or the tenant is responsible for the charges which must be paid in full prior to restoration of services.

(9) **Tampered with Lock Charge**

In cases where the lock on the meter is broken, removed, or tampered with, the customer shall be charged a tampered with lock charge. If the premise is vacant, the owner of the property or the tenant is responsible for the charges which must be paid in full prior to restoration of services.

H. MULTIPLE WATER CONSUMERS ON AN INDIVIDUAL LOT

- (1) The Owner of a building used as a dwelling or apartment house for more than one family may connect such building or apartment house to be served by a single water service for which one monthly charge shall be paid. In such a case, the application for service shall be made by the Owner or his duly authorized agent and the bills for water shall be paid by the Owner.
- (2) Where two or more Consumers on the same platted lot are supplied by a single water service, with the approval of the Board, and where the Consumers desire to contract separately for water furnished, or new service is required for an additional structure, the Owner at its own expense shall first arrange the plumbing in such a way that a separate meter approved by the Board can be placed upon the supply line of each of said Consumers. Thereupon the Board shall install separate meters for each Consumer making application therefore. In such cases, a separate monthly charge shall be assessed against each Consumer. All such yokes on existing service lines shall be between the meter and main. They shall be made after application, approval, and payment to the Board by the Owner or his representative, including the Plumber. Yoke sizing shall be according to the Board's subdivision specifications.

RULES AND REGULATIONS

- (3) A separate water service and meter is required for each individually owned and platted lot and, in the case of individually owned townhouses or condominiums on a commonly owned lot, a separate meter is required for each unit.

I. CUSTOMER DEPOSITS**RESIDENTIAL CUSTOMERS:**

- (1) The Board requires a deposit, in advance, as security against future charges for water and sanitary sewer services from a Consumer, whether upon application for new service, or restoration of discontinued service.
- (2) The amount of the deposit will be three times the minimum bill for the size of the meter with a minimum of \$100.00. The Consumer may be billed an additional deposit in the event the actual consumption exceeds the estimate upon which the deposit was based.
- (3) Residential deposits are refunded after a period of 12 consecutive months, provided each monthly bill is paid within the time allowed before becoming delinquent. Refunds will be applied as a credit to the Customer's account and applied to future billings.
- (4) Deposits may be waived for *new* residential Consumers who are active military personnel, or *first time* account holders that set up automatic payment arrangements for the bill. The deposit may be waived for Consumers who are reestablishing service with an excellent pay history within twenty four (24) months of last active service and had active service of at least one year. If the Consumer cancels his automatic payment arrangement before receiving twelve (12) consecutive bills, a deposit will be billed to the account. If the automatic payment arrangement is canceled by the Board due to a returned item, the Consumer is not eligible for a waiver of the deposit and a deposit will be added to the Customer's account. The amount of the deposit will be three times the average bill and the Consumer will be subject to the collection policies outlined in paragraph L(4).
- (5) When a Consumer who has a deposit on record transfers service, his deposit will be transferred to the new account.
- (6) Deposits will bear interest at a rate determined by the Board. Interest payments will be credited annually to the Consumer's account and shown as a separate item on his water bill. Interest will be prorated for periods of less than twelve (12) months.
- (7) Residential accounts will be reviewed after the end of the first year in order to determine the accuracy of the estimated water consumption upon which the deposit was based and to review the pay history of the Consumer. The Consumer may receive a partial refund of its deposit in the event the actual consumption has been lower than that estimated, or the Consumer may be billed an additional deposit in the event that actual consumption has

exceeded the estimate upon which the deposit was based. Refunds will be applied as a credit to the Customer's account and applied to future billings.

COMMERCIAL CUSTOMERS:

- (1) The Board requires a deposit, in advance, as security against future charges for water and sanitary sewer services from a Consumer, whether upon application for new service, or restoration of discontinued service.
- (2) The amount of the deposit will be three times the monthly bill the business is expected to incur based on the estimated consumption of the business and size of the meter with a minimum of \$100.00.
- (3) Commercial deposits are refunded when the account is closed and the Consumer is not establishing services at another location.
- (4) Commercial deposit will be billed to the account, and must be paid within 10 days of the initial turn on date. Service may be disconnected if payment is not received and reconnection fees may apply per Section L(4).
- (5) *Surety bonds* and *Irrevocable Letters of Credit* are accepted in lieu of cash. The Consumer will be notified of the amount required and will be given 30 days to acquire the bond or letter of credit. If the bond or letter of credit is not received within 30 days, the deposit will be billed to the account. It is the Consumer's responsibility to renew the surety bond upon expiration and to supply the Board with an updated bond. If the surety bond is not renewed a deposit will be billed to the account.
- (6) Deposits may be waived for commercial and industrial Consumers where the owner has *three* consecutive years of good pay history with the Board. For businesses where the deposit had been waived due to good pay history, a deposit may be required if the Consumer does not maintain a good pay history with the Board.
- (7) When a Consumer who has a deposit on record transfers service, his deposit will be transferred to the new account.
- (8) Deposits will bear interest at a rate determined by the Board. Interest payments will be credited annually to the Consumer's account and shown as a separate item on his water bill. Interest will be prorated for periods of less than twelve (12) months.
- (9) Commercial accounts will be reviewed after the end of the first year in order to determine the accuracy of the estimated water consumption upon which the deposit was based and to review the pay history of the Consumer. The Consumer may receive a partial refund of the deposit in the event the actual consumption has been lower than that estimated, or the Consumer may be billed an additional deposit in the event that actual consumption has exceeded the estimate upon which the deposit was based.

RULES AND REGULATIONS

J. STOP AND WASTE

A stop and waste stop or cut-off valve must be placed in the water pipe line on the premises of the Consumer to be used in case of break, freezing or other necessity, whereby pipe to be repaired can be cut off without the necessity of using the Board's corporation stop or curb stop. The stop and waste should be located outside of any structure located on the premises, preferably on the line just outside the structure served. It must be easily accessible.

K. WATER METERS

- (1) All water meters shall be maintained by the Board at its expense.
- (2) All meters shall be conveniently located at a point approved by the Board so as to control the entire supply of water, and when located on premises of a Consumer a proper place and protection thereof shall be provided by the Consumer. The Board agrees to replace meters purchased without additional cost when the Board determines that replacement is necessary.
- (3) If meters are damaged for any reason either by carelessness or neglect of the Owner or occupants of the premises or their agents, the Consumer must pay for the repairs of such damages, but the cost of ordinary maintenance of meters shall be borne by the Board. Such damages shall be billed to the Consumer with his regular water bill and same shall be due and payable at the same time as the water bill. Failure to pay for such repairs shall be deemed good and sufficient reason for the Board to discontinue service and not restore same until the Consumer has complied with all the rules and regulations governing service to water Consumers of the Board.
- (4) The Consumer shall notify the Board of any damage to or the malfunctioning of the meter immediately.
- (5) Should the water meter fail to register the total amount of water consumed, the Consumer shall pay for such period an estimated amount based upon consumption in a similar period. On request, the Board will test any meter through which the Consumer is receiving service. If the meter is not over-registering the flow of water by more than 3%, the meter shall be considered to be accurate and the Consumer shall pay for the cost of the test. The cost to test a meter shall be an amount to be determined from time to time by the Board. Any adjustment necessary on account of inaccuracy of meter shall extend over a period not to exceed thirty (30) days prior to date of such test.
- (6) Whenever, in the judgment and discretion of the Board, a meter or connection is found to be too large to register accurately the amount of water consumed, or is too small to withstand the demand made upon the meter, then the Board may reduce or enlarge the size of the meter or connection or both.

- (7) No water meter or curb stop shall be enclosed within a fence, wall or other structure so as to deprive the Board of immediate and ready access thereto. If the Consumer fails to provide ready access at all times to employees of the Board, the water may be turned off and will not be turned on until full compliance has been made with all rules and regulations governing water service to water Consumers of the Board.
- (8) In the event mains and/or laterals exist on private property for the purpose of providing domestic service and/or fire protection, the maintenance of said lines shall be the responsibility of the property owner.
- (9) The Board may accept those part(s) of water mains, the water service from the main to the meter, and meters on private property as a part of its system for maintenance purposes, at the request of the Owner, where the Owner provides the Board with necessary easements, mortgage subordination agreements, releases of liens, and title assurance, and the Board determines that acceptance of the mains and meter is beneficial and essential for the Board's systems operation and/or for future public use.

L. PAYMENT OF WATER BILLS

(1) **Monthly Billing**

All bills for water service will be rendered monthly and shall become payable at the Board's Office upon receipt of bill. Failure to receive bill will not release the Consumer from indebtedness to the Board.

(2) **Rate for Billing**

All charges for water delivered to the premises of the Consumer and measured by the meter at that location shall be due and payable in arrears upon receipt of the water bill. The minimum water charge for any consumer shall be an amount as set by the Board, based on the size of the meter at that premise. For a full flow fire model meter, the minimum water charge may be based on the size of the domestic line that branches off the fire line if that domestic line serves all of the domestic water use. In such cases, plans conforming to the Board's requirements must be submitted that show the domestic line branching off the fire line on the Consumer's side of the meter.

(3) **Due Date and Collection**

Any Consumer's bill or account, including final bill, not paid by the due date shall be delinquent. The Board may, at any time, change the length of days to calculate the due date. The Board may, at any time after a Consumer's account has become delinquent, discontinue service. A late fee, to be determined by the Board, will be charged to all current bills not paid by the due date. Capacity charges are not subject to the late fee. Accounts are considered for collection when the account has a current and thirty (30) day balance that is not paid by the due date of the current bill. Accounts are flagged as past due on the next business day after the due date. Whenever the Board dispatches an

RULES AND REGULATIONS

employee to the premises of any Consumer for the purpose of discontinuing the service, a collection fee (amount to be determined from time to time by the Board) shall be added to and made a part of the Consumer's delinquent account to cover, in part, the additional expense to the Board.

(4) **Non-Payment**

Whenever service is discontinued for non-payment and a Consumer requests that service be restored, the full water balance, a reconnection fee (amount to be determined from time to time by the Board), a collection fee (if applicable) must be paid before services are restored. A deposit or additional deposits, as determined by the Board, shall be added to Consumer's delinquent account and will be billed to the account on the next billing cycle. Upon the customer's request the Board may establish an extended payment schedule for the deposit.

(5) **Payment Extension**

The Board may extend the time for paying any one or more bills, or any part thereof, and its action in so doing, whether by taking the note of the Consumer or anyone else with or without security or merely extending the time for paying such bill or bills, shall be without prejudice to its right to thereafter discontinue service as above provided, and by so doing the Board shall not be held or considered to have waived its right, at its option, to thereafter discontinue service and to treat the contract, under which the Consumer is served, as canceled and at an end.

(6) **Partnerships**

When the Consumer is a partnership, each partner shall be liable for the water bill of the partnership and such bill may be added to the individual water bill of one or of all such partners, and the individual bill of such partner shall be subject to all rules and regulations governing water service.

(7) **Final Billing**

Whenever service is discontinued, whether by request or not, and a final bill has been rendered and remains unpaid beyond the authorized limits for payment, the bill will be held in abeyance. Should the Consumer subsequently be found to have water service at another location, then the unpaid final bill shall be made an item of charge against the Consumer at his/her new address. An unpaid bill may be transferred to an active account if the account is in the same name, same social security number, or by written request from the customer. If payment is not received within ten (10) business days, services may be disconnected.

(8) **Undetected Property Leak**

In the event an undetected property leak from the meter to the structure on an account results in an excessive billing and it is determined that the leak was repaired by a

certified licensed plumber immediately upon discovery, the Board may reduce the charge for the excess usage by 40% for up to two (2) billing periods. The excess usage shall be the amount above the normal average bill. Such an adjustment shall be made on an account only once during a twelve (12) month period.

(9) **Returned Item Charged**

If a Consumer's check, bank draft, credit card or other method of payment is returned to the Board unpaid, the Board may discontinue service without further notice. Consumers who have two returned items within a 12 months period will be prohibited from using the same payment method as the returned items for future payments. Unpaid items returned are subject to fees imposed by the Board.

(10) **Payment Installment**

Upon the Consumer's request, the Board may establish an extended payment schedule where the Consumer has received a bill for abnormally high water usage or under other appropriate circumstances as determined by the Board. In such cases, a 20% initial payment will be required immediately upon establishment of the payment schedule. The remainder shall be paid in monthly payments of no less than 1/12 of the remaining amount due. Failure to pay any installment shall be subject to discontinuance of service provided by Section I (L) (3).

(11) **Late Fee**

Any Consumer's current bill, including final bill, not paid by the due date shall be subject to a late fee as determined from time to time by the Board. The late fee is billed on the consumer's next monthly bill and is due by the due date of that bill.

(12) **Fraudulent Use of Credit Card**

If the Board is notified that a Consumer has fraudulently used a credit card to make payment on his/her account, the Board will reverse the payment and the Consumer will be subject to the collection policies outlined in paragraph L(4). The Consumer is not allowed to make any future payments with a credit card. Fraudulent use of a credit card is considered subject to the same fees as an insufficient funds check or bank draft as provided in Section L(9).

(13) **Delinquent Collection**

If for any reason a consumer's account should become delinquent, the consumer agrees to pay all collection costs including attorney fees. The delinquent account is subject to bad debt write off, credit bureau notification and applicable cost of collection fees.

(14) **Identity Theft**

The Board is committed to protecting the privacy of its customers. Customers who have

RULES AND REGULATIONS

experienced identity theft should notify the Board immediately, and take the following steps:

- (a) Provide a police report;
- (b) Provide other proof such as letter from bank, bank statements, or other documents providing information on the identity theft.

M. USE OF PUBLIC FIRE HYDRANTS

- (1) No person, except an employee of the Board, shall take water from any fire hydrant for any purpose unless specifically permitted in writing by a duly authorized representative of the Board.
- (2) In order to request permission to draw water from a fire hydrant, unauthorized persons must follow these steps:
 - (a) Apply in writing or in person at the Board's Office with information concerning the size of supply and specific location desired, and execute the Board's "Fire Hydrant Meter Agreement".
 - (b) Make a deposit (as established by the Board) with the application to cover any damage or repairs to Board equipment.
 - (c) Promptly pay monthly bills rendered for water used and change of fire plug connection.
 - (d) Give minimum notice of twenty-four (24) hours when service from fire hydrant is to be discontinued.
 - (e) Pay a meter removal charge, in addition to the charge for water used (charges to be determined from time to time by the Board).
- (3) If the Board grants permission to a person who has properly requested permission to draw water from a fire hydrant, the Board will install an appropriate connection to the fire hydrant, metered and equipped with a hand operated gate valve that will enable access to water desired without actually operating the hydrant.

N. PRIVATE FIRE PROTECTION, AUTOMATIC SPRINKLERS, ETC.

- (1) All persons, firms or corporations who may desire to install automatic sprinkler systems for fire protection and to install connections to the water mains of the Board for supplying water for fire protection through such automatic sprinkler systems, within or beyond the corporate limits of the City of Montgomery, and all persons, firms or corporations that have at any time heretofore installed automatic sprinkler systems for fire protection and have installed connections to the water mains of the Board for supplying water for fire protection through such automatic sprinkler systems shall be

permitted to maintain such connections subject to the following conditions and provisions:

- (a) Whenever inspection reveals usage other than that used for fighting a fire, a private fire connection shall be metered at the expense of the Consumer according to the Board's general rules for governing water services.
- (b) Any and all drain valves located below the alarm attachment shall be sealed shut. Except in emergency cases, seals must not be broken without permission of the Board. If a seal is broken, the Owner shall notify the Board at once so that it may be resealed.
- (c) Frequent breaking of the seals without permission of the Board shall be cause for the Board to require the immediate installation of a meter approved by the Board.
- (d) All fire lines shall be valved at the Board's main and at the right-of-way and/or property line. Fire lines shall have a backflow preventer meeting the Board's Cross Connection and Backflow Prevention Policy and the subdivision specifications for water main installation. All backflow preventers shall have a detector meter unless the fire line is fully metered. Consumers whose fire protection system includes a fire pump shall install a full flow fire model meter in compliance with the Board's specifications. The Board's responsibility will end at the valve at the property line or right-of-way.
- (e) Any relocation of the domestic service or fire line must be done by a Plumber at the Owner's expense and under the supervision of the Board and the City of Montgomery Plumbing Department.
- (f) The application to the Board for private fire protection shall be upon a form to be furnished by the Board and shall contain such information as the Board deems appropriate.
- (g) Plans for fire lines and sprinkler systems must be submitted to the Board's Engineering Department for approval and payment received before final approval or occupancy will be made. Fire lines will not be activated until sprinkler plans have been submitted to the Board.
- (h) Detector Check meters will be read and billed at the same time as the domestic water meter. Upon discovery of usage (regardless of cause or origin) on a detector check meter, the owner will be charged a flat rate per thousand gallons (rate to be determined by the Board).

O. WATER MAIN EXTENSIONS

- (1) Upon application therefore and approval thereof, extensions to the Board's water distribution system to serve a new Consumer or Consumers will be made by the Board at

RULES AND REGULATIONS

its expense when the estimated cost thereof does not exceed three times the estimated annual water revenue to be derived from bona fide water Consumers estimated to be immediately served from such extension of the water system. The Board reserves the right to consider any alternate to this rule.

- (2) Upon approval of the application for extension of the Board's water distribution system, where the estimated cost thereof exceeds three times the estimated annual water revenue to be derived there from, the Board will require applicant to install the extension at his expense, in accordance with the Board's specifications. The Board will make all connections of water mains installed by the applicant to existing mains of the Board. The cost of labor for any large tap shall be paid for by the applicant in advance of any work by the Board.
- (3) The Board shall determine the make, size, depth, length and location, including all phases and features of water mains and accessories to be used on all extensions to the distribution system, giving full consideration to possible future development in the area.
- (4) Whenever the Board deems it advisable, for purposes of improving flows or pressures or anticipated future demand, to require the applicant to install water mains larger in size than necessary for the development of an applicant, then in such instances the Board may elect to participate in a cost allocation agreement as outlined in the Board's adopted policy "*Policy for Cost Sharing of Water Transmission Main Extensions*" dated 8/19/08.
- (5) Any expense incurred after the installation of water mains and appurtenances due to platting, re-platting or other charges will be charged to the Owner.

P. CROSS CONNECTION AND BACKFLOW PREVENTION

Every applicant shall comply with the Board's Cross-Connection and Backflow Prevention Policy.

Q. ADDITIONAL GROUNDS FOR DISCONTINUING WATER SERVICE

- (1) In addition to the foregoing rules and regulations, the Board shall have the right to discontinue water service to any Consumer for any of the following reasons:
 - (a) Misrepresentation of any facts in application.
 - (b) Under flat rate service, for adding to said property or fixtures or for changing the use to be made of the water supply without notice to and consent of the Board.
 - (c) Willful or negligent waste of water through improper or imperfect service pipe, fixtures, meters, private fire protection systems or otherwise.
 - (d) Failure to protect the connections, service lines and fixtures or to maintain them in good order.

- (e) Damaging any service pipe, meter, curb stop, seal or any other appliances of the Board controlling or regulating the water supply.
- (f) Vacancy of premises.
- (g) If any Plumber, Owner or other unauthorized person shall turn the water on or off at any corporation stop or curb stop, or disconnect or remove the meter without the consent of the Board.
- (h) When any Consumer allows or permits any other person to use water furnished the Consumer, except in cases of emergency and then only for a limited time.
- (i) Where the Consumer does any act or attempts to do any act with malicious intent to injure or deface any of the equipment or facilities of the Board, or where the Board has good reason to believe that the Consumer is violating any of the Board's Rules and Regulations.
- (j) Violating any rules or regulations of the Board.
- (k) To prevent or stop a health hazard on the consumer's premise as determined by an authorized City, County, or State official.

R. APPLICATION FOR DEMOLITION

- (1) Any person applying for a Demolition Permit from the City of Montgomery Building Department must also file an application with the Board Office.
- (2) Any water meters still remaining on a water service feeding the premises to be demolished will be removed by the Board before demolition is to begin.
- (3) A person applying for a demolition permit is responsible for properly plugging the sanitary sewer service upon completion of the demolition. The applicant should call for an inspection, and upon satisfactory completion, a report will be filed by the Board official with the City of Montgomery Building Department and the applicant will be eligible to have the application bond returned that is required for a Demolition Permit.

S. ENFORCEMENT

- (1) The following City of Montgomery Code No. 29-26 relating to the alteration or destruction of Board equipment and the unlawful taking of water, shall apply:

“Sec. 29-26 Gas, water, and electricity--Tapping mains or lines”

It shall be unlawful for any person to take or attempt to take water, gas, or electricity from the mains or lines belonging to the city or to any corporation operating under franchise from the city or to any public utility operating within the police jurisdiction of the city by tapping such mains or lines for the purpose of obtaining water, gas, or electricity without paying therefor.

RULES AND REGULATIONS

No person shall take or attempt to take water, gas, or electricity from any main or line within the police jurisdiction of the city belonging to the city or to any corporation franchised by the city or public utility operating within the police jurisdiction of the city without the prior consent and approval of the Owner of such main or line and without paying such charge as may be made by the city or such company or utility for the privilege of receiving such water, gas, or electricity. (Code 1964, § 24-36.)

- (2) Any person who neglects or refuses to comply with any of the Board's Rules and Regulations governing the service to water users shall be subject to disconnection of water and sewer service until there has been a full compliance with these Rules and Regulations as determined by the Board. In the event the failure to comply with the Rules and Regulations presents a health or safety concern the Board may discontinue service immediately and without notice.
- (3) Whenever service has been discontinued as provided above, the Board may impose a reasonable charge not to exceed \$500, which shall be paid before service is reestablished.
- (4) A Consumer's failure or refusal to comply with any of the Board's Rules and Regulations governing service to water users shall be sufficient cause for the Board to discontinue water and sewer service to such Consumer subject to all the Rules and regulations applicable to users of water.
- (5) The Owner of premises served by the Board shall be responsible for any damage, including personal injury, property damage and environmental injuries, caused by his failure to properly maintain his water service lateral, service line including the meter box or by his failure to adhere to these Rules and Regulations, and he shall hold the Board harmless for any and all fines, claims, damages, or any other liabilities that the Board incurs as a result of said failure by Owner.



SECTION II SANITARY SEWER USERS

A. APPLICATION FOR CONNECTION TO SEWER SYSTEM

Connection to the sanitary sewer system of the Board may be made upon the written application of the Owner of the premises to be served (or his duly authorized agent), upon an application form provided by the Board, conditioned upon the agreement of the Owner to be bound by the Board's Rules and Regulations, as defined herein. Each applicant shall install at his expense the service pipe or sewer lateral line between the Board's sanitary sewer main and the premises to be served, including all appurtenant fittings, fixtures and appliances. The size, type and kind of material that the Owner desires to use shall be subject to approval of the Board and installation thereof shall be made by a Plumber, who shall also be bound by the Board's Rules and Regulations, as defined herein.

Connection to the sanitary sewer system shall comply with the Board's Rules and Regulations, specifications for sanitary sewer, and all applicable state and local laws, codes, regulations and rules.

- (1) In order to apply for sanitary sewer service, water service must first be established. The Owner must state his name, the character and extent of the service desired, a description of the premises, including the name of street and house number, if any, the size of the meter through which water will be or is being supplied, and such other information as may reasonably be required by the Board to enable it to give the desired service. No sewage service will be furnished through any new connection until a certificate has been issued by the City Plumbing Inspector certifying that all plumbing and fixtures have been installed in accordance with the City Plumbing Code and the Owner has paid the sanitary sewer capacity charge established by the Board as outlined in the then current and applicable fee schedule. The sanitary sewer capacity charge is based on the size and number of domestic water meters that serve the premises. Irrigation water lines and fire lines are not considered in the determination of the sanitary sewer capacity charge. Sanitary sewer capacity charges shall be utilized by the Board to fund construction of new wastewater treatment plants or expansions of existing wastewater treatment plants and at the Board's discretion can be utilized for construction of major extensions of its sanitary sewer collection system. Sanitary sewer capacity charges are in addition to any

RULES AND REGULATIONS

amount that might be expended by the Owner for water and sewer improvements or other Board fees, including, but not limited to: tap, meter and box fees and water capacity charges. The capacity charge is assigned to the premises served and is not transferable

- (2) In every instance that application is made for approval of development plans or a subdivision plat prior to completion of new mains and appurtenances, the Owner must execute an indemnity agreement, acceptable to the Board, in which the Owner guarantees that all newly constructed mains and appurtenances will be installed in accordance with the Board's standard subdivision specifications. In addition, the Owner must provide security for the indemnity agreement in either (a) a performance bond from a bonding company licensed to do business in the State of Alabama and in good standing with the Alabama Department of Insurance, which bond may not be executed in an amount greater than ten percent (10%) of the policyholders surplus of the company, (b) a letter of credit issued in favor of the Board by a bank licensed to do business in Alabama and insured by the Federal Deposit Insurance Corporation, (c) a certified check made payable to the Board or (d) other guaranty acceptable to the Board for the performance of the terms of said indemnity agreement. The security provided will be returned to the Owner upon satisfactory completion and acceptance of the subject mains and appurtenances by the Board, in accordance with the terms of said indemnity agreement. A maintenance period, extending for one year from written approval by the Board of the installation of new mains and appurtenances or until the last layer of asphalt required by the City has been applied, whichever period is longer, follows written approval by the Board of the completed installation. The Board shall not be responsible for repairs to said new mains and appurtenances or for any damages arising from the installation until said maintenance period expires, at which time the Board will accept said new mains and appurtenances for maintenance.
- (3) Where a development is proposed and the developer wishes to operate their own wastewater collection and treatment or their own water supply and distribution system, the Board shall have the right to declare it a separate utility and as such may require the developer to purchase water or wastewater services at a point of delivery or taking and require certain safeguards be put into place in order to protect its system and the general public and the Board will not have any maintenance requirements on said system(s).

B. USE OF THE SANITARY SEWER

- (1) Responsibilities:
 - (a) It is the responsibility of the Owner to maintain sewer laterals in accordance with the Board's Rules and Regulations. The Board assumes no monitoring or maintenance responsibility, obligation, duty or liability of any kind or under any circumstances for sewer laterals. The Board will, in no case, assume any liability for damage, including personal injury and property damage, whether real or personal, resulting from any

break, leak or structural failure, or back-up in the sewer lateral. If the Board, Health Department, City of Montgomery, ADEM or any other regulating authority determines that there is a potential or current public health hazard caused by a defect in a sewer lateral, the Board, in its sole discretion, may terminate water and sewer service immediately. The Owner shall be required, at its expense, to cure any defect in the sewer lateral and reimburse the Board for any costs incurred by the Board, if any, as a result of the public health risk created by the defect. Once said defect is cured and the Board reimbursed, then the Board may re-activate water and sewer service to the subject property.

- (b) The Board will make necessary repairs to Board sanitary sewer mains and lateral connections to the main, at no expense to the Owner, when it is determined by Board inspection that the service fitting is broken or that the lateral connecting to the main has dropped into the main.
- (c) Failure of a property owner to replace a clean-out cap removed or otherwise missing from his lateral is grounds for disconnection of the Owner's water and/or sewer service. The Board will replace the Owner's missing clean-out cap for a charge to be determined by the Board from time to time.
- (d) During the operation and maintenance of its sewer system, the Board will from time to time utilize investigative methods, i.e. smoke testing, closed circuit television inspection, dye water testing, etc., to determine the location of sewer system defects that might allow storm water inflow and infiltration into the sewer system. If in the course of its investigation the Board determines that there is a break, leak, or structural failure in the lateral, the Board will notify the Owner and make demand on the Owner to make any such repairs. The Owner shall comply with the Board's demand and have such break, leak, or structural failure, whether in the City's right-of-way or the Owner's private property, repaired immediately. Failure or refusal of the Owner to make the repairs will be grounds for immediate disconnection of the Owner's water/sewer service. (See Section (e) concerning Residential Property Sewer Repair Policy).
- (e) When requested to do so by the Owner of residential property consisting of four units or less the Board will make repairs necessary due to any break, leak, or structural failure in the lateral that in the Board's determination may be a source of storm water inflow or infiltration to the Board's main, at no cost to the Owner, to that part of the Owner's lateral located within the limits of the public rights-of-way. Prior to contacting the Board to make such repair, the location of such defects must be documented by the Owner's Plumber at the Owner's expense. The Board will not be responsible for: (1) the cost of the location of such defects, or (2) the cost of plumbing services to remove blockages of any nature at any point in the lateral. The Owner shall remain responsible for any third party costs, such as plumbing services incurred in identifying and making the repair, and for any and all loss or damages

RULES AND REGULATIONS

incurred as a result of the circumstances creating the need for repair. The Board will, in no case, make repairs to a lateral located within the limits of the public rights-of-way when any break, leak, or structural failure in the lateral was caused by the Owner, his agent, tenant, contractor, subcontractor, or any third party.

- (f) The Board shall, in no case, pay for repairs to laterals located in private rights-of-way or easements.
- (2) No person shall discharge or cause to be discharged any storm water, surface water, ground water, roof run-off, sub-surface drainage, cooling water or unpolluted industrial process waters into any sanitary sewer.
- (3) Except as hereinafter provided, no person shall discharge or cause to be discharged any of the following described substances into any public sewer:
 - (a) Any liquid vapor or waste having a temperature higher than 150 degrees F.
 - (b) Any water or waste which may contain more than 100 parts per million by weight of fat, oil or grease. Grease and oil include hydrocarbons, fatty acid, soaps and waxes.
 - (c) Any gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid or gas.
 - (d) Any garbage that has not been properly shredded.
 - (e) Any ashes, cinders, sand, mud, straw, shaving, metal, glass, rags, feathers, tar, plastics, wood, paunch manure, or any other solid or viscous substance capable of causing obstruction to the flow in sewers or other interference with the proper operation of the sewage works.
 - (f) Any substance having a PH lower than 6.0 or higher than 9.0 or having any other corrosive property capable of causing damage to structures, equipment, or personnel of the Board.
 - (g) Any toxic or poisonous substance or any other materials that could interfere with any sewage treatment process, constitute a hazard to humans or animals, or create any hazard in the receiving waters of the sewage treatment plant.
 - (h) Any substance containing suspended solids of such character or quantity that unusual attention or expense is required to handle such materials at the sewage treatment plant.
 - (i) Any noxious or malodorous gas or substance capable of creating a public nuisance.
 - (j) Any substance having a Chemical Oxygen Demand in excess of 1000 parts per million by weight.

- (k) Any substance containing more than 250 parts per million by weight of suspended solids.
 - (l) Any substance having an objectionable color, which is not removable in the existing sewage treatment plant processes.
 - (m) Any unpolluted waters or unpolluted wastes.
 - (n) Any long half-life (over 100 days) of toxic radioactive isotopes, without special permit. The radioactive isotopes I-131 and P-32 used at hospitals are not prohibited, if properly diluted at the source.
 - (o) Any substance containing more than 50 parts per million by weight of ammonia as nitrogen, not to exceed 15 per cent of the maximum water pollution control plant allowable loading.
 - (p) Any substance containing more than 250 parts per million of Biochemical Oxygen Demand, not to exceed 15 per cent of the maximum pollution control plant allowable loading. No statement contained in this section shall be construed as preventing any special agreement or agreement between the Board and any person whereby an industrial waste of unusual strength of character may be admitted into the sanitary sewer by the Board after approved pretreatment.
- (4) Grease, oil and sand interceptors shall be required on any service when, in the opinion of the Board, they are necessary for the proper handling of liquid wastes containing grease in excessive amounts, or any flammable wastes, sand, and other harmful ingredients. All restaurants, fast food restaurants, and catering services are required to have a grease interceptor and/or grease trap; all truck washes are required to have a sand trap and oil separator; all car washes are required to have a sand trap; and all truck and car washes prior to being installed shall present to the Board's Engineering Department an approved set of drawings of the facility. Sizing of interceptors shall be as outlined in the Engineering Design Manual. Such interceptors shall not be required for single-family dwelling units. All interceptors shall be of a type of capacity approved by the Board and shall be located as to be readily and easily accessible for cleaning and inspection.
- Grease and oil interceptors shall be constructed of impervious materials capable of withstanding abrupt and extreme changes in temperature. They shall be of substantial construction, watertight, and comply with applicable laws.
- (5) Where installed, all grease, oil and sand interceptors and garbage disposals shall be maintained by the Owner, at his expense, in continuously efficient operation at all times.
 - (6) The admission into the public sewers of any substance having (a) a 5-day Biochemical Oxygen Demand greater than 250 parts per million by weight, or (b) containing more than 250 parts per million by weight of suspended solids, or (c) containing any quantity of substance having the characteristics described in paragraph B(3) of this Section, or (d)

RULES AND REGULATIONS

having an average daily flow greater than 2% of the average daily sewage flow of the City of Montgomery shall be subject to the review and approval of the Board. When necessary in the operation of the Board, the Owner shall provide, at his expense, such preliminary treatment as may be necessary to (a) reduce the Biochemical Oxygen Demand to 250 parts per million and suspended solids to 250 parts per million by weight, or (b) reduce objectionable characteristics or constituents to within the maximum limits provided for in paragraph B(3), or (c) control the quantities and rates of discharge of such substances. Plans, specifications, any other pertinent information relating to proposed preliminary treatment facilities shall be submitted for the approval of the Board, and no construction of such facilities shall be commenced until said approvals are obtained in writing.

- (7) Where preliminary treatment facilities are provided for any substances, they shall be maintained continuously in satisfactory and effective operation by the Owner at his expense.
- (8) When required by the Board, the Owner of any property served by a sewer carrying industrial wastes shall install a suitable control manhole (sampling manhole) in the main sewer lateral to facilitate sampling and measurement of the wastes. Such manhole, when required, shall be accessibly and safely located, and shall be constructed in accordance with plans approved by the Board. The manhole 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.
- (9) All measurements, tests, and analyses of the characteristics of substances to which reference is made in this Section shall be determined in accordance with "Standard Methods" and shall be determined at the control manhole provided for in paragraph 8 of this Section or upon suitable samples taken at said control manhole. In the event that no special manhole has been required, the control manhole shall be considered to be the nearest downstream manhole in the public sewer to the point at which the building sewer is connected.
- (10) No statement contained in this article shall be construed as preventing any agreement or arrangement between the Board and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the Board for treatment, subject to payment therefore by the industrial concern.
- (11) Sewage from septic tanks and portable toilets must be discharged into special manholes located at one or more of the Board's sewage treatment plants and designated for this purpose by the Board. A charge per 1,000 gallons of sewage with a minimum charge per truckload will be assessed for discharge as provided above, and the charge shall be determined by the Board. Collectors, haulers, and those engaged in the business of hauling sewage from septic tanks and portable toilets are required to enter into a written contract with the Board on such form as may be prescribed by the Board from time to time.

- (12) All new extensions of the Board's sanitary sewer system shall be done in accordance with the Board's Specifications.

C. SEWER SERVICE AREA EXTENSIONS

Whenever the Board deems it advisable, for purposes of providing sanitary sewer capacity for future demand, to require the applicant to install wastewater pump stations and interceptors in a size larger than necessary for the development of an applicant, then in such instances the Board may elect to participate in a cost allocation agreement as outlined in the Board's adopted policy "*Manual of Practice for Regional Pump Station Planning Design, and Installation*" (latest revision).

D. POWERS AND AUTHORITY OF INSPECTION

A duly authorized representative of the Board, bearing proper credentials and identification, is entitled to enter upon all properties of Consumers for the purposes of inspection, observation, measurement, sampling, and testing.

E. ENFORCEMENT

- (1) Any person who neglects or refuses to comply with any of the Board's Rules and Regulations governing the service to sewer users shall be given notice by the Board and unless full compliance with these rules, as described in said notice, is made within sixty (60) days from the date thereof, the Board shall discontinue sewer and water service to such person and shall not be obligated to restore such service until there has been a full compliance with these Rules and Regulations. Said notice shall not be required if the discontinuance of service is due to the presence of a current or potential public health hazard.
- (2) Whenever service has been discontinued as provided above the Board may impose a reasonable charge, not to exceed \$500.00, which shall be paid before service is reestablished.
- (3) A Consumer's failure or refusal to comply with any of the Board's Rules and Regulations governing service to sewer users shall be sufficient cause for the Board to discontinue water and sewer service to such Consumer subject to all the Rules and Regulations applicable to users of water and sewer services.
- (4) Anyone to whom the Board's water supply is not available who desires to connect to and use the Board's sanitary sewer system for normal domestic sewage, while maintaining his own well water supply, shall pay a flat rate amount as determined by the Board to be invoiced monthly. By connecting to and using the Board's sanitary sewer system pursuant to this rule, the Consumer agrees to connect onto the Board's water system, at his own expense, when, in the Board's opinion, its water mains are available to him.

RULES AND REGULATIONS

- (5) The Board may accept those part(s) of sanitary sewer mains, lines, manholes, and appurtenances on private property as a part of its system for maintenance purposes, at the request of the Owner, where the Owner provides the Board with necessary easements, mortgage subordination agreements, releases of liens, and title assurance, and the Board determines that acceptance of the mains and manholes is beneficial and essential for the Board's systems operation and/or for future public use. The decision of whether to accept any part of a sanitary sewer main, line, manhole, or appurtenance is in the sole discretion of the Board.
- (6) The Owner of premises served by the Board shall be responsible for any damage, including personal injury, property damage and environmental injuries, caused by his failure to properly maintain his sewage service lateral or service line or by his failure to adhere to these Rules and Regulations, and he shall hold the Board harmless for any and all fines, claims, damages, or any other liabilities that the Board incurs as a result of said failure by Owner.



SECTION III PRETREATMENT REGULATIONS

A. GENERAL

It is the purpose and intent of these Rules and Regulations, as defined herein, to provide a complete system for permitting discharge to the Board's POTW in accordance with all Federal and State statutes and with Rules issued there under.

All dischargers of non-domestic waste are subject to pretreatment regulations and must be reviewed to evaluate applicability of pertinent requirements.

The issuance of permits and supervision of the user's pretreatment program and the revocation of permit authorizations shall in general be under the supervision of ADEM, with concurrence of the Board.

Each user required to enter into a discharge permit agrees to comply with these Rules and Regulations and promptly to pay all fees and charges provided herein or subsequently adopted by the Board. Failure to do so shall be grounds for cancellation of the permit and for discontinuance of sewer/water service. The application for a discharge permit will be provided by ADEM, unless the Board wishes to adopt forms for its own use. In these forms all reference to the City or municipality shall refer to the Board.

B. PRETREATMENT PROGRAM PROCEDURES FOR PERMITTING, COMPLIANCE TRACKING AND ENFORCEMENT

The Board's pretreatment program consists of four major elements: (1) the identification and categorization of dischargers and determination of pretreatment requirements; (2) the issuance of permits; (3) the tracking of dischargers to insure compliance with permits; and (4) the enforcement of all pretreatment rules and regulations.

The purpose of this paragraph is to describe the procedures for accomplishing requirements in each of the four major areas listed above. The intent of these procedures is to establish the administrative mechanism to allow the efficient and effective implementation of the Board's pretreatment resolution and the Board's Memorandum of Agreement with ADEM.

RULES AND REGULATIONS

(1) Identification, Categorization of Dischargers, and Determination of Pertinent Requirements.

(a) Identification of Existing Dischargers.

The primary tool for identifying existing dischargers who may be subject to the Board's pretreatment requirements is a preliminary screening questionnaire that is sent to any known or suspected discharger who has not been categorized.

The function of the questionnaire is to obtain sufficient information to make a categorization decision; that is, to determine in which of the three categories listed below the discharger should be placed. The categories are:

- 1) A non-significant discharger about whom information is to be maintained in the Board's inventory of non-domestic contributors.
- 2) A significant discharger who does not require a State Indirect Discharge (SID) permit but whose discharge is to be regulated in some facet by the Board.
- 3) A significant discharger who requires an SID permit.

If there is no response from the recipient to the questionnaire, a second questionnaire will be sent with a letter of transmittal detailing the eventual consequence of non-response (see Enforcement Section).

(b) Categorization.

Upon evaluation of the questionnaires each business will be placed into one of three categories for program management. General guidelines for identifying category placement are as follows:

- 1) Category 1 - Businesses that have no discharge other than normal sanitary wastewater, or whose non-sanitary discharge has no significant effect on the sewer, will be placed in this category. The businesses so designated will not be tracked by the Board but they will be maintained in the Board's inventory in case a change in status is required in the future. No contractual arrangement between the Board and discharger will be required for those designated in Category 1. An example of a non-significant discharger could be a small office building.
- 2) Category 2 - A business will be placed in Category 2 when, in the Board's judgment, some component(s) in its wastewater may interfere with the operation and maintenance of the sewer collection system and/or the wastewater treatment plant and it is deemed appropriate to monitor the discharge. In Category 2, the nature of the wastewater does not fall under state or federal industrial pretreatment guidelines; therefore, no SID permit is required, but these dischargers will be subject to control by the Board. A permit delineating specific requirements for the dischargers will be executed

between the Board and the discharger for all discharges designated in Category 2. Dischargers in Category 2 will be subject to the Board's compliance tracking program. An example of a significant discharger who does not require a SID permit could be an apartment complex or a Food Service Establishment (FSE)/restaurant.

- 3) Category 3 - Businesses in Category 3 are those, which are subject to state and federal industrial pretreatment rules and regulations. Those in Category 3 may require a State Indirect Discharge (SID) permit. Generally, in accordance with state requirements, a business discharging a wastewater with one or more of the following characteristics will be placed in Category 3:
 - a) The discharge of more than 25,000 gpd of process wastewater.
 - b) The discharge of significant quantities of one or more of the EPA designated categorical wastes.
 - c) The discharge in significant quantities of a prohibited or potentially prohibited waste.

Businesses in Category 3 will be permitted by the State, will be required to execute a permit with the Board for the purpose of providing the Board a means of regulating the discharge, and will be subject to the Board's compliance tracking program. In addition to State permit requirements, the Board may, through permit, control those wastes described in Category 2 for Category 3 users. An example of a significant discharger who requires an SID permit would be an automobile manufacturer.

(c) Appeal Procedures for Any Pretreatment Requirement.

Decisions of the Board concerning pretreatment requirements for users will be made by the General Manager. Should the user object to the classification assigned or to the pretreatment criteria required by the General Manager's decision, the user may appeal the decision as outlined below:

- 1) A written notice of objection supported by any pertinent documentation must be made to the General Manager within 30 calendar days of notification of the requirement. The thirty day period within which the user can appeal may be waived by the General Manager if extenuating circumstances so justify. The General Manager will reply to the objection within 20 working days. Decisions by the General Manager may be appealed to the Board. Decisions by the Board are final except in cases where ADEM must also concur.
- 2) Any written appeal submitted and received by the Board, which is not addressed within 20 working days of receipt, is considered granted to the user.

RULES AND REGULATIONS

- 3) If a user is appealing being placed in Category 3 (SID permit required), final appeal concerning issuance of the SID permit and permit requirement must be to ADEM. The Board's recommendations must accompany the user's appeal to ADEM.
- (d) Modification of Program Requirements for Users: Periodically, changes in pretreatment requirements of existing users are required. When such changes are deemed necessary, the procedures listed below are applicable.
 - 1) The user will be notified in writing of the proposed change and of the basis for the change.
 - 2) Included in the notice of change will be any draft permit or contractual requirements, if appropriate.
 - 3) The proposed change in user requirements will be effective 30 calendar days after notice. Should the user object to the change, such objection must be registered with the Board within 30 calendar days of receipt of the notice of proposed change. Appeal of changes should be as described in (c) above.

(2) Permits

The basis for regulating users of the sewer system will be through SID permits and/or permits between the user and the Board.

SID permits will be issued and enforced by ADEM in coordination with the Board but are not directly controlled by the Board.

In addition to the SID permit, the Board will enter into a separate permit with the permit holder to address pretreatment criteria. The Board will execute permits with Category 2 and Category 3 users. These permits will specifically identify all pretreatment requirements to be enforced by the Board that the user must meet and will provide the Board that authority required by federal pretreatment regulations but not granted the Board under enabling statutes. Users may be subject to other state and federal pretreatment requirements not included in the Board's permit. All SID requirements will be referenced in Category 3 permits.

If construction of pretreatment facilities is required of any user, such a requirement will be included in the user's permit. A schedule for facility completion will be an enforceable portion of the permit.

(3) Compliance Tracking

The purpose of the compliance-tracking program is to insure that all Category 2 and Category 3 users are meeting the terms of their permits. The program consists of the following major components:

- (a) **Self-Monitoring Reports:** In accordance with the Board/ADEM Memorandum of Agreement, each Category 3 user will be required to submit a self-monitoring report once a month. This requirement will be included in the user's permit with the Board. Parameter concentration(s) to be reported and the frequency of analysis will be specified in the SID permit. Reports will be submitted concurrently to the Board and to ADEM and should be received by the Board no later than the 28th day of the subsequent month. Failure to submit such reports will be a breach of the executed permit and could result in enforcement action.
- (b) **Compliance Evaluation Inspections:** The purpose of compliance evaluation inspections (CEI) is to insure the proper operation of any pretreatment facilities specified in permits with Category 2 and Category 3 users. These inspections are a "walk-through" type and do not involve effluent sampling. These inspections will confirm that all required facilities are in place and being properly operated. A CEI may be done concurrently with the compliance sampling inspection (CSI) described below. All Category 2 and Category 3 facilities will receive a CEI annually.
- (c) **Compliance Sampling Inspection:** The purpose of the compliance sampling inspection (CSI) is to insure that those effluent limits specified in a user's permit are being achieved. During the CSI, a 3-day composite sample will be taken from the user's effluent and analyzed for those parameters contained in the respective permit. The Board will conduct such inspections every six months. As a minimum, annual inspections will be conducted. In lieu of a 3-day composite sample on an annual basis, the Board may choose to conduct a CSI on a 24 hour composite, monthly basis if such an approach appears appropriate for a given user.
- (d) **Inspection Summary Reports:** Reports will be maintained of all inspection results.

(4) **Enforcement**

The Board will enforce its permits with Category 2 and Category 3 users and the Pretreatment Resolution in a consistent and equitable manner. The compliance-tracking program will identify those users not meeting the terms of their permits. Once violators are identified, enforcement action will follow. The following enforcement actions are available to the Board's General Manager when seeking to correct problems:

- (a) Verbal notice to the violators requesting corrective action.
- (b) Written notice to the violators requesting corrective action.
- (c) Execution of penalty fees as provided for in the approved permit between the Board and dischargers.
- (d) Referral of the violator to ADEM.
- (e) Termination of water and sewer services to the violator.

C. GENERAL DISCHARGE PROHIBITIONS

No person shall contribute or cause to be contributed, directly or indirectly, any pollutant or wastewater which will interfere with the operation or performance of the POTW. These general prohibitions apply to all users of a POTW whether or not the user is subject to National Categorical Pretreatment Standards or any other national, state or local pretreatment standards or requirements. A user may not contribute the following substances to any POTW:

- (1) Any liquids, solids or gasses which by reason of their nature or quantity are, or may be, sufficient either alone or by interaction with other substances to cause fire or explosion or to be injurious in any other way to the POTW or to the operation of the POTW. At no time shall two successive readings on an explosion hazard meter at the point of discharge into the system (or at any point in the system) be more than five percent (5%) nor shall any single reading be over ten percent (10%) of the Lower Explosive Limit (LEL) of the meter. Prohibited materials include, but are not limited to, gasoline, kerosene, naphtha, benzene, toluene, xylene, ethers, alcohols, ketones, aldehydes, peroxides, chlorates, perchlorates, bromates, carbides, hydrides, sulfides and any other substance that is a fire hazard to the system.
- (2) Solid or viscous substances that may cause obstruction to the flow in a sewer or other interference with the operation of the wastewater treatment facilities, including, but not limited to, grease, garbage with particles greater than one-half inch ($\frac{1}{2}$ ") in any dimension, animal guts or tissues, paunch manure, bones, hair, hides or fleshing, entrails, whole blood, feathers, ashes, cinders, sand, spent lime, stone or marble dust, metal, glass, straw, shavings, grass clippings, rags, spent grains, spent hops, waste paper, wood, plastics, gas, tar, asphalt, residues, residues from refining or processing of fuel or lubricating oil, mud, or glass grinding or polishing wastes.
- (3) Any wastewater having a PH less than 6.0, unless the POTW is specifically designed to accommodate such wastewater, or wastewater having any other corrosive property capable of causing damage or hazard to structures, equipment, and/or personnel of the POTW.
- (4) Any wastewater containing toxic pollutants in sufficient quantity, either alone or by interaction with other pollutants, to interfere with any wastewater treatment process, to constitute a hazard to humans or animals, to create a toxic effect in the receiving waters of the POTW, or to exceed the limitation set forth in a Categorical Pretreatment Standard. A toxic pollutant shall include but not be limited to any pollutant identified pursuant to Section 307(a) of the Clean Water Act, as amended, 33 U.S.C. Section 1317 (a).
- (5) Any noxious or malodorous liquids, gasses, or solids which either alone or by interaction with other wastes are sufficient to create a public nuisance or hazard to life or are sufficient to prevent entry into the sewers for maintenance and repair.

- (6) Any substances, such as residues, sludge, or scums, that may cause the POTW's effluent or any other product of the POTW to be unsuitable for reclamation and reuse or that interferes with the reclamation process. In no case shall a substance contributed to the POTW fail to comply with sludge use or disposal criteria, guidelines or regulations developed under Section 405 of the Clean Water Act, as amended, 33 U.S.C. section 1345, or any criteria, guidelines, or regulations affecting sludge use or disposal developed pursuant to the Solid Waste Disposal Act, the Clean Air Act, the Toxic Substances Control Act, or state criteria applicable to the sludge management method being used.
- (7) Any substance that will cause the POTW to violate its NPDES and/or State Indirect Discharge Permit or the receiving water quality standards.
- (8) Any wastewater with objectionable color not removed in the treatment process, including, but not limited to, dye wastes and vegetable tanning solutions.
- (9) Any wastewater having a temperature that will inhibit biological activity in the POTW treatment plant resulting in interference, but in no case wastewater with a temperature at the introduction into the POTW which exceeds 40 degrees C (104 degrees F) unless the POTW treatment plant is designed to accommodate such temperature.
- (10) Any pollutants, including oxygen demanding pollutants (BOD, etc.) released at a flow rate and/or pollutant concentration which a user knows or has reason to know will cause interference to the POTW. In no case shall a slug load have a flow rate or contain concentration or qualities of pollutants that exceed for any time period longer than fifteen (15) minutes more than five (5) times the average twenty-four (24) hour concentration, quantities, or flow during normal operation.
- (11) Any wastewater containing any radioactive wastes or isotopes of such concentration as may exceed limits established by the ADEM in compliance with applicable State or Federal Regulations.
- (12) Any wastewater that causes a hazard to human life or creates a public nuisance.

When the ADEM determines that a user(s) is contributing to the POTW any of the above enumerated substances in such amounts as to interfere with the operation of the POTW, the ADEM shall: (1) advise the user(s) of the impact of the contribution on the POTW; and (2) develop effluent limitations(s) for such user(s) to correct the interference with the POTW.

D. NATIONAL CATEGORICAL PRETREATMENT STANDARDS

Upon the promulgation of the National Categorical Pretreatment Standards for a particular industrial subcategory, the Pretreatment Standard, if more stringent than limitations imposed under these Rules for sources in that subcategory shall immediately supersede the limitations

RULES AND REGULATIONS

imposed under these Rules. The ADEM shall notify all affected users of the applicable reporting requirements under 40 CFR, Section 403.12.

E. MODIFICATION OF NATIONAL CATEGORICAL PRETREATMENT STANDARDS

Where the Board's wastewater treatment system achieves consistent removal of pollutants limited by National Pretreatment Standards, the Board may apply to the ADEM for modification of specific limits in the National Pretreatment Standards. "Consistent Removal" shall mean reduction in the amount of a pollutant or alteration of the nature of the pollutant in the effluent by the wastewater treatment system to a less toxic or a harmless state which is achieved by the system in 95 percent of the samples taken when measured according to the procedures set forth in Section 403.7(c) of Title 40 of the Code of Federal Regulations, Part 403 - General Pretreatment Regulations for Existing and New Sources of Pollution promulgated pursuant to the Clean Water Act. The Board may then modify pollutant discharge limits in the National Pretreatment Standards if the requirements contained in 40 CFR, Part 403, Section 403.7, are fulfilled and prior approval from the Approval Authority is obtained.

F. POLLUTANT LIMITATIONS

No person shall discharge wastewater containing any pollutant contrary to National Categorical Pretreatment Standards or any other national, state or local pretreatment standards or requirements.

G. STATE REQUIREMENTS

State requirements and limitations on discharges shall apply in any case where they are more stringent than federal requirements and limitations or those in these Rules.

H. BOARD'S RIGHT OF REVISION

The Board reserves the right to establish by Rules and Regulations more stringent limitations or requirements on discharges to the wastewater disposal system than those presently contained in this Section.

I. EXCESSIVE DISCHARGE

No user shall ever increase the use of process water or in any way attempt to dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance with the limitations contained in the National Categorical Pretreatment Standards, or in any other pollutant-specific limitation developed by the Board or State. (Comment: Dilution may be an acceptable means of complying with some of the prohibitions set forth in paragraph A of this

section, e.g. the PH prohibition, provided the method has the prior approval of the ADEM of the ADEM.)

J. ACCIDENTAL DISCHARGES

Each user shall provide protection from accidental discharge of substances prohibited by these Rules. Facilities to prevent accidental discharge of prohibited substances shall be provided and maintained at the user's cost and expense. Detailed plans showing facilities and operating procedure to provide this protection shall be submitted to the Board for review, and must be approved by the Board before construction of the facility. No person who commences contribution to the POTW after the effective date of these Rules shall be permitted to introduce pollutants into the system until accidental discharge procedures have been approved by the Board and the ADEM. Review and approval of such plans and operating procedures shall not relieve the user from the responsibility to modify its facility as necessary to meet the requirements of these Rules.

In the case of an accidental discharge, it is the responsibility of the user to immediately telephone and notify the POTW and the ADEM of the incident. The notification shall include location of discharge, type of waste, concentration and volume, and corrective actions.

Within five (5) days of an accidental discharge, the user shall submit to the ADEM a detailed written report describing the cause of the discharge and the measures to be taken by the user to prevent similar future occurrences. Such notification shall not relieve the user from responsibility for any expense, loss, damage or other liability which may be incurred as a result of damage to the POTW, including fish kills, or any other damage to person or property; nor shall such notification relieve the user of any fines, civil penalties, or other liability which may be imposed by these Rules and Regulations.

A notice shall be permanently posted on the user's bulletin board or other prominent place advising employees whom to call in the event of a dangerous discharge. Employers shall insure that all employees who may cause such a dangerous discharge to occur are advised of the emergency notification procedure.

K. CHARGES AND FEES

The purpose of this Section is to provide for the recovery of costs from users of the Board's wastewater disposal system for the implementation of the program established herein. The applicable charges or fees shall be set forth in the Board's Schedule of Charges and Fees and shall apply to each user contributing to the POTW who is or should have a discharge permit.

The Board may adopt charges and fees including, but not limited to:

- (1) Fees for reimbursement of costs of setting up and operating the Board's Pretreatment Program;

RULES AND REGULATIONS

- (2) Fees for monitoring, inspections and surveillance procedures;
- (3) Fees for reviewing accidental discharge procedures and construction;
- (4) Fees for permit applications;
- (5) Fees for filing appeals;
- (6) Fees for consistent removal by the Board of pollutants otherwise subject to Federal Pretreatment Standards; and
- (7) Other fees as the Board may deem necessary to carry out the requirements contained herein.

These fees relate solely to the matters covered by these Rules and Regulations and are in addition to all other fees chargeable by the Board, e.g. the Board's present Industrial User Charges.

L. WASTEWATER DISCHARGERS

No person may discharge to the POTW any wastewater except as authorized by the Board in accordance with these Rules and Regulations.

M. WASTEWATER CONTRIBUTION PERMITS

- (1) General Permits: All Category 2 and Category 3 users proposing to connect to or to contribute to the POTW shall obtain a Wastewater Discharge Permit before connecting to or contributing to the POTW.
- (2) Permit Application: Users required to obtain a Wastewater Discharge Permit shall complete and file with the Board an application on a form prescribed by the Board, accompanied by the current fee, at least 90 days prior to connecting to or contributing to the POTW. If the application is approved by the Board, it shall be transmitted to the ADEM. In support of the application, the proposed user shall submit, in units and terms appropriate for evaluation, the following information:
 - (a) Name, address and location (if different from address);
 - (b) SIC number according to the Standard Industrial Classification Manual, Bureau of the Budget, 1972, as amended;
 - (c) Wastewater constituents and characteristics as determined by a reliable analytical laboratory sampling and analysis shall be performed in accordance with procedures established by the EPA pursuant to Section 304(g) of the Clean Water Act, as amended, 33 U.S. C. Section 1314 (g) , and contained in 40 CFR, Part 136, as amended;
 - (d) Time and duration of contribution;

- (e) Average daily and 3 minute peak wastewater flow rates, including daily, monthly and seasonal variations if any;
- (f) Site plans, floor plans, mechanical and plumbing plans and details to show all sewers, sewer connections, and appurtenances by the size, location and elevation;
- (g) Description of activities, facilities and plant processes on the premises including all substances which are or could be discharged;
- (h) Where known, the nature and concentration of any pollutants in the discharge which are limited by any state pretreatment standards or the National Pretreatment Standards, and a statement regarding whether or not the pretreatment standards are being met on a consistent basis and, if not, whether additional operation and maintenance (O&M) and/or additional pretreatment is required for the user to meet applicable pretreatment standards;
- (i) If additional pretreatment and/or O&M will be required to meet the Pretreatment Standards, the shortest schedule by which the user will provide such additional pretreatment. The completion date in this schedule shall not be later than the compliance date established for the applicable Pretreatment Standard. The schedule shall contain increments of progress in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment facilities required for the user to meet the applicable Pretreatment Standards (e.g., hiring an engineer, completing preliminary plans, completing final plans, executing contract for major components, commencing construction, completing construction, etc.). No increment of progress contained in the schedule shall exceed 9 months. Not later than 14 days following each date in the schedule, including the final date for compliance, the user shall submit a progress report to the ADEM including, as a minimum, whether or not it complied with the increment of progress, the reason for delay, and the steps being taken to return the construction to the schedule established. In no event shall more than 9 months elapse between such progress reports to the ADEM.
- (j) Each product produced, by type, amount, process or processes and rate of production;
- (k) Type and amount of raw materials processed (average and maximum per day);
- (l) Number and type of employees, hours of operation of plant, and proposed or actual hours of operation of pretreatment system;
- (m) Any other information as may be deemed by the Board or the ADEM to be necessary to evaluate the permit application.

(3) Consideration of Permit Application

The Board and the ADEM will evaluate the data furnished by the user and may require additional information. After evaluation and acceptance of the data furnished, the Board,

RULES AND REGULATIONS

or the ADEM with the concurrence of the Board, may issue a Wastewater Discharge Permit subject to terms and conditions provided herein and in the Memorandum of Agreement between the ADEM and the Board.

N. PERMIT MODIFICATIONS

Within 9 months of the promulgation of a National Categorical Pretreatment Standard, all Wastewater Discharge Permits previously issued shall be revised to require compliance with such standard within the time frames prescribed by such standard. Where a user subject to a National Categorical Pretreatment Standard has not previously submitted an application for a Wastewater Discharge Permit as required by this Section, the user shall apply for a Wastewater Discharge Permit within 180 days after the promulgation of the applicable National Categorical Pretreatment Standard. In addition, a user with an existing Wastewater Discharge Permit shall submit to the ADEM within 180 days after the promulgation of an applicable National Categorical Pretreatment Standard the information required by paragraphs M(2)(h) and M(2)(I) of this Section.

O. PERMIT CONDITIONS

- (1) Wastewater Discharge Permits shall be expressly subject to all provisions of these Rules and all other applicable regulations, charges and fees established by the Board. Permits may contain the following:
 - (a) The unit charge or schedule of charges and fees for the wastewater to be discharged to a community sewer;
 - (b) Limits on the average and maximum wastewater constituents and characteristics;
 - (c) Limits on average and maximum rate and time of discharge or requirements for flow regulations and equalization;
 - (d) Requirements for installation and maintenance of inspection and sampling facilities;
 - (e) Specifications for monitoring programs which may include sampling actions, frequency of sampling, number, types and standards for tests and reporting schedule;
 - (f) Compliance schedules;
 - (g) Requirements for submission of technical reports or discharge reports (see paragraph R of this Section);
 - (h) Requirements for maintaining and retaining plant records relating to wastewater discharge as specified by the Board, and for affording the Board access thereto;

- (i) Requirements for notifying the Board of any new introduction of wastewater constituents or any substantial change in the volume or character of the wastewater constituents being introduced into the wastewater treatment system;
- (j) Requirements for notifying the Board of sludge discharges; and
- (k) Other conditions as deemed appropriate by the Board to ensure compliance with these Rules and Regulations.

P. PERMIT DURATION

Permits shall be issued for a specified time period, not to exceed five (5) years. A permit may be issued for a period less than a year or may be stated to expire on a specific date. The user shall apply for permit re-issuance a minimum of 180 days prior to the expiration of the user's existing permit. The terms and conditions of the permit may be subject to modification by the Board and the ADEM during the term of the permit. The user shall be informed of any proposed changes in his permit at least 30 days prior to the effective date of change. Any changes or new conditions in the permit shall include a reasonable time schedule for compliance.

Q. PERMIT TRANSFER

Wastewater Discharge Permits are issued to a specific user for a specific operation. A Wastewater Discharge Permit shall not be assigned, transferred or sold to a new person, a successor to the permittee, different premises, or a new or changed operation without the approval of the Board and the ADEM.

R. REPORTING REQUIREMENTS FOR PERMITTEE

- (1) Compliance Date of Report: Within 90 days of the date for final compliance with applicable Pretreatment Standards or, in the case of a New Source, within 90 days of commencement of the introduction of wastewater into the POTW, any person subject to Pretreatment Standards shall submit to the ADEM a report indicating the nature and concentration of all pollutants in the discharge from the regulated process which are limited by Pretreatment Standards and the average and maximum daily flow for these process units which are limited by such Pretreatment Standards. The report shall state whether the applicable Pretreatment Standards are being met on a consistent basis and, if not, what additional O&M and/or pretreatment is necessary to bring the user into compliance with the applicable Pretreatment Standards. This statement shall be signed by the user or his authorized representative and certified to by a qualified professional.
- (2) Periodic Compliance Reports

RULES AND REGULATIONS

- (a) Any person subject to a Pretreatment Standard, after the compliance date of such Pretreatment Standard, or, in the case of a New Source, after commencement of the discharge into the POTW, shall submit to the ADEM a monthly report indicating the nature and concentration of pollutants in the effluent which are limited by such Pretreatment Standards. In addition, this report shall include a record of all daily flows which during the reporting period exceeded the average daily flow.
- (b) The ADEM may impose mass limitations on persons who are using dilution to meet applicable Pretreatment Standards, or in other cases where the impositions of mass limitations are appropriate. In such cases, the report required by subparagraph (2) (a) of paragraph R of this Section shall indicate the mass of pollutants regulated by Pretreatment Standards in the effluent of the user. These reports shall contain the results of sampling and analysis of the discharge, including the flow and the nature and concentration, or production and mass, where requested by the ADEM, of pollutants contained therein which are limited by the applicable Pretreatment Standards. The frequency of monitoring shall be prescribed in the applicable Pretreatment Standard. All analysis shall be performed in accordance with procedures established by the Administrator of the EPA pursuant to Section 304(g) of the Clean Air Act, as amended, 33 U.S.C. Section 1314(g), and contained in 40 CFR, Part 136 and amendments thereto or with any other test procedures approved by the Administrator. Sampling shall be performed in accordance with the techniques approved by the Administrator.

(Comment: Where 40 CFR, Part 136 does not include a sampling or analytical technique for the pollutant in question, sampling and analysis shall be performed in accordance with the procedures set forth in the EPA publication, Sampling and Analysis Procedures for Screening of Industrial Effluents for Priority Pollutants, and analytical procedures approved by the Administrator.)

S. MONITORING FACILITIES

The Board shall require the user to provide and operate at the user's expense, monitoring facilities to allow inspection, sampling and flow measurement of the building sewer and/or internal drainage systems. The monitoring facility should normally be situated on the user's premises, but the Board may, when such a location would be impractical or would cause undue hardship on the user, allow the facility to be constructed in the public street or sidewalk area and located so that it will not be obstructed by landscaping or parked vehicles.

There shall be ample room in or near such sampling manhole or facility to allow accurate sampling and preparation of samples for analysis. The facility, sampling, and measuring equipment shall be maintained at all times in a safe and proper operating condition at the expense of the user.

Whether constructed on public or private property, the sampling and monitoring facilities shall be provided in accordance with the Board's requirements and all applicable local construction standards and specifications. Construction shall be completed within 90 days following written notification by the Board.

T. INSPECTION AND SAMPLING

The Board or the ADEM shall inspect the facility of any user to ascertain whether the purpose of these Rules is being met and whether all requirements are being complied with. Owners or occupants of premises where wastewater is created or discharged shall allow the Board's employees ready access at all reasonable times to all parts of the premises for the purposes of inspection, sampling, records examination or the performance of any of their duties. The Board, ADEM, and EPA shall have the right to set up on the user's property compliance monitoring and/or metering operations. Where a user has security measures in force which would require proper identification and clearance before entry onto the premises, the user shall make necessary arrangements with its security guards so that upon presentation of suitable identification, personnel from the Board, the ADEM and EPA will be permitted to enter, without delay, for the purposes of performing their specific responsibilities.

U. PRETREATMENT

Users shall provide necessary wastewater treatment as required to comply with these Rules and Regulations and the requirements of ADEM and shall achieve compliance with all National Categorical Pretreatment Standards within the time limitations specified therein. Any facilities required to pre-treat wastewater to a level acceptable to the Board shall be provided, operated, and maintained at the user's expense. Detailed plans showing the pretreatment facilities and operating procedures shall be submitted to the Board and to ADEM for review, and shall be acceptable to them before construction of the facility. The review of such plans and operating procedures will in no way relieve the user from the responsibility of modifying the facility as necessary to produce an effluent acceptable to the Board and to ADEM under the provisions of these Rules. Any subsequent changes in the pretreatment facilities or method of operation shall be reported to and be acceptable to the Board and to ADEM prior to the user's initiation of the changes.

All records relating to compliance with Pretreatment Standards shall be made available to officials of the EPA and ADEM upon request.

V. CONFIDENTIAL INFORMATION

Information and data on a user obtained from reports, questionnaires, permit applications, permits and monitoring programs and from inspections shall be available to the public or other

RULES AND REGULATIONS

governmental agency without restriction unless the user specifically requests confidential treatment and is able to demonstrate to the satisfaction of the Board that the release of such information would divulge information, processes or methods of production entitled to protection as trade secrets of the user.

When requested by the person furnishing a report, and approved by the Board, the portions of a report which might disclose trade secrets or secret processes shall not be made available for inspection by the public but shall be available (1) to governmental agencies for uses related to these Rules, the National Pollutant Discharge Elimination System (NPDES) Permit, ADEM Permit and/or the Pretreatment Programs, (2) for use by the State or any state agency or the EPA in judicial review or enforcement proceedings involving the person furnishing the report, and (3) and in response to subpoena or court order of production directed to the Board. Wastewater constituents and characteristics will not be recognized as confidential information.

Information accepted by the Board as confidential shall not be transmitted to any governmental agency or to the general public by the Board until and unless a ten-day notification is given to the user, except where subpoena or court order requires production within a shorter time period.

W. ENFORCEMENT

- (1) **Harmful Contributions:** The Board or ADEM may suspend the wastewater treatment service and/or a Wastewater Discharge Permit when such suspension is necessary, in the opinion of either, in order to stop an actual or threatened discharge which presents or may present an imminent or substantial endangerment to the health or welfare of persons or to the environment, causes interference to the POTW or causes the Board to violate any condition of its NPDES Permit.

Any person notified of a suspension of the wastewater treatment service and/or the Wastewater Discharge Permit shall immediately stop or eliminate the contribution. In the event of a failure of the person to comply voluntarily with the suspension order, the Board shall take such steps as deemed necessary, including immediate severance of the sewer connection, to prevent or minimize damage to the POTW system or endangerment to any individuals. The Board or ADEM shall reinstate the Wastewater Discharge Permit and/or the wastewater treatment service upon proof of the elimination of the non-complying discharge. A detailed written statement submitted by the user describing the causes of the harmful contribution and the measures taken to prevent any future occurrence shall be submitted to the Board within 15 days of the date of the occurrence.

- (2) **Revocation of Permit:** Any user, who commits one or more of the following violations of these Rules, or applicable state and federal regulations, is subject to having its permit revoked:
 - (a) failure to factually report the wastewater constituents and characteristics of his discharge;

- (b) failure to report significant changes in operations, or wastewater constituents and characteristics;
 - (c) refusal to allow the Board's employees reasonable access to the premises for the purpose of inspection or monitoring; or,
 - (d) notification of violation.
- (3) **Notification of Violation:** Whenever the Board or ADEM finds that any person has violated or is violating these Rules, a Wastewater Discharge Permit, or any prohibition, limitation or requirement contained herein, the Board or ADEM may serve upon such person a written notice stating the nature of the violation. Within 30 days of the date of the notice, such person shall submit a plan for the satisfactory correction thereof to the Board or ADEM.
- (4) **Show Cause Hearing:** The Board or ADEM may order any person who causes or allows an unauthorized discharge to enter the POTW to show cause why the proposed enforcement action should not be taken. A notice shall be served on such person specifying the time and place of a hearing regarding the violation, the reasons the action is to be taken, and the proposed enforcement action, and directing the person to show cause why the proposed enforcement action should not be taken. The notice of the hearing shall be served personally or by registered or certified mail (return receipt requested) at least 10 days before the hearing. Service may be made on any agent or officer of a corporation.

The Board or ADEM may conduct the hearing and take the evidence, or may designate any of its members or any officer or employee of the Board or ADEM to:

- (a) issue in the name of the Board or ADEM notices of hearings requesting the attendance and testimony of witnesses and the production of evidence relevant to any matter involved in such hearings;
- (b) take the evidence; and
- (c) transmit a report of the evidence and hearing, including transcripts and other evidence, together with recommendations to the Board and ADEM for action thereon.

At any hearing held pursuant to these Rules, testimony taken must be under oath and recorded by stenographic. The transcript, so recorded, will be made available to any member of the public or any party to the hearing upon payment of the usual charges thereof.

After the Board or ADEM has reviewed the evidence, it may issue an order to the person responsible for the discharge directing that, following a specified time period, the water or sewer service or both be discontinued unless adequate treatment facilities, devices or other related appurtenances shall have been installed on existing treatment facilities and

RULES AND REGULATIONS

the devices or other related appurtenances are being properly operated. Further orders and directives as are necessary and appropriate may be issued.

- (5) **Legal Action:** If any person discharges sewage, industrial wastes or other wastes into the Board's wastewater disposal system contrary to the provisions of these Rules, the Board may commence an action for appropriate relief in the Circuit Court for Montgomery County, Alabama, or any other court with jurisdiction over the subject matter.

X. SCHEDULE OF FEES, CHARGES AND PENALTIES RELATING TO RULES AND REGULATIONS ON PRETREATMENT OF INDUSTRIAL WASTE (AMENDED 2/15/94)

ITEM	FEE TYPE	FEE DESCRIPTION
(1)	INDUSTRIAL WASTE SURCHARGE	All Category 3 users are subject to the industrial waste surcharge as described in Section IV of these Rules and Regulations
(2)	PERMIT CHARGE	A processing fee established by the Board will be required of all Category 2 and 3 users for their original permit.
(3)	PENALTIES	<p>In case of failure to submit a required report, improper operation of waste facilities, or any breach of the permit the following procedures will apply:</p> <ul style="list-style-type: none"> a. The Board shall give written notice to the user, requiring action within thirty (30) days. b. Penalty for failure to comply with permit provisions after written notice is \$100.00 per day for Category 2 users and \$300.00 per day for Category 3 users. c. Termination of service. Charge for terminating and reinstating service shall be cost plus 20%.
(4)	APPEAL	\$100.00

TABLE III-1: SCHEDULE OF FEES



SECTION IV INDUSTRIAL WASTE SURCHARGE

A. BASIS FOR SURCHARGE

The "base level" surcharge on industrial wastes is an operating cost to be determined by the Board from time to time, for the suspended solids and B.O.D. (biochemical oxygen demand) exceeding "normal" sewage (250 ppm B.O.D., 250 ppm S.S.) and for ammonia as nitrogen, 50 ppm NH₃-N), such rate to continue until changed by action of the Board.

B. ENFORCEMENT

Any person who refuses to comply with, or who resists or willfully violates these rules relating to industrial wastes, or who refuses to comply with these provisions shall be served by the Board with a written notice stating the nature of the violation and providing a reasonable time limit for satisfactory correction thereof. Any person who shall continue any violation beyond the time limit shall be guilty of violation of permit and of the Rules of the Board and may be summarily disconnected from the sanitary sewer and/or water service, such disconnection and any reconnection to be at the total expense of the Owner, or at the Board's option, may be charged as follows:

Any industrial discharge that exceeds the limits for B.O.D., S.S., or NH₃-N as established in Section II, Paragraph B, Article (3), shall be assessed a penalty at the following penalty rate schedule:

RULES AND REGULATIONS

B.O.D.		S.S.		NH₃-N	
Conc. (mg/l)	Rate	Conc. (mg/l)	Rate	Conc. (mg/l)	Rate
0-250	No Surcharge	0-250	No Surcharge	0-50	No Surcharge
251-1000	X	251-700	Y	51-100	Z
1001-2000	2 times X	701-1400	2 times Y	101-150	2 times Z
2001-3000	4 times X	1401-2100	4 times Y	151-200	3 times Z
3001-4000	8 times X	2101-2800	8times Y	201 - 350	4 times Z
4001 – 5000	16 times X	2801-3500	16 times Y	351 – 500	5 times Z
*		*		*	
X equals the base level surcharge for B.O.D.					
Y equals the base level surcharge for S.S.					
Z equals the base level surcharge for NH ₃ -N					

* DISCHARGE LIMITS IN EXCESS OF STATED RANGES ARE PROHIBITED. VIOLATIONS SHALL BE ASSESSED ON A CASE BY CASE BASIS.

TABLE IV-1: PENALTY RATE SCHEDULE

C. CONTROL CHAMBERS

Any person discharging or desiring to discharge an industrial waste mixture into the sewers or sewer works of the Board, or any sewer connected therewith, shall provide and maintain in a suitable, accessible position on his premises, or such premises occupied by him, an inspection chamber or manhole, near the outlet of each sewer, drain, pipe, channel, or connection which communicates with any sewer or sewer works of the Board, or any sewer connected therewith. Every such manhole, or inspection chamber, shall be of such design and construction which will prevent infiltration by ground and surface waters or introduction of slugs of solids by the installation of screens with maximum openings of one inch but of sufficient fineness to prevent the entrance of objectionable slugs of solids to the discharging wastes so that any authorized representative or employee of the Board may readily and safely measure the volume and obtain samples of the flow at all times. Plans for the construction of control manhole, or inspection chambers, including such flow measuring devices as may be hereinafter required, shall be approved by the Board prior to the beginning of construction.

D. VOLUME OF WASTE

When the public water supply is used exclusively, the water consumption during the previous month, as determined from the meter records of the Board, shall be the valid basis for computing a sewage flow, to be used in calculation of the surcharge, unless actual sewage flow is measured by a recording meter of a type to be approved by the Board. The Owner shall maintain such device in proper condition to accurately measure such flow. Upon failure to do so, the water consumption shall be basis for charges.

In cases where all or part of the water consumed is obtained from private supplies, wells, etc., the Owner shall provide and maintain at all times suitable metering devices, approved by the Board, in connection with each or all sources of private water unless the control manhole provided for above shall be equipped with an approved volume measuring device. The volume of private water consumed during the previous month, together with the consumption of public water as determined from the records of the Board, shall be the basis for computing the sewage volume, to be used in calculation of the surcharge, or the Owner may install at his expense an approved metering device to accurately measure sewage flow as before mentioned.

When water is contained in a product, or is evaporated, or is discharged as unpolluted waste in an uncontaminated condition to surface drainage, an application may be made for a reduction in the volume of waste discharged to the public sewer, provided supporting data satisfactory to the Board is furnished.

E. SAMPLING OF WASTES

Sampling of the effluent or waste discharges may be accomplished manually or by use of mechanical equipment to obtain a composite sample, which would be representative of the total effluent. Samples shall be taken at intervals to be established by the contractual agreement between the Owner and the Board, or, at such intervals as determined by the Board as necessary to maintain a control over the discharges from the Owner's establishment. The methods used in the examination of all industrial wastes to determine suspended solids, B.O.D. and prohibited wastes shall be those set forth herein.

F. PENALTY FOR FAILURE TO PAY BILLS

Failure to pay monthly bills for water when due or failure to pay the established surcharge for industrial wastes when due, or discharge of prohibited wastes to the sanitary sewer, shall be sufficient cause to disconnect any and all services from the water and/or sanitary sewer mains of the Board, and the same penalties and charges now or hereafter provided for by the Rules of the Board for failure to pay the bills for services when due shall be applicable in like manner in case of failure to pay the established surcharge for industrial waste discharged to sanitary sewer mains.



SECTION V DEFINITIONS

1. "ADEM" - The Alabama Department of Environmental Management.
 2. "Administrator" - The Administrator of the U.S. Environmental Protection Agency.
 3. "Approving Authority" - The Water Works and Sanitary Sewer Board of the City of Montgomery, Alabama, or its authorized representative.
 4. "Bi-Monthly" - One-sixth of a year, or the period between the consecutive bi-monthly readings of the Board's water meters, as near sixty days apart as practical.
 5. "Biochemical Oxygen Demand" ("B.O.D.") - The measured characteristics indicating the organic strength of wastewater. B.O.D. measurement permits an estimate of the waste strength in terms of the amount of dissolved oxygen required to break down the wastewater.
 6. "Board" - The Water Works and Sanitary Sewer Board of the City of Montgomery.
 7. "Builder" - A person or company hired by a premises Owner or Consumer to construct improvements at a service location.
 8. "Chemical Oxygen Demand" ("C.O.D.") - The measurement of the oxygen equivalent of that portion of the organic matter in a sample that is susceptible to oxidation by a strong chemical oxidant.
-
-

RULES AND REGULATIONS

9. "City" - The City of Montgomery, Alabama.
10. "Clean Water Act" - The Federal Water Pollution Control Act codified at 33 U.S.C. sections 1251, et seq.
11. "Color" - The true color due to the substances in solution expressed in parts per million.
12. "Combined Sewer" - A sewer receiving both surface runoff and sewage.
13. "Consumer" - The person or entity legally or equitably responsible for the payment of charges for water service furnished through the Board's system, whether used or wasted on any premises within or beyond the corporate limits of the city.
14. "Corporation stop" - A special brass valve designed for insertion in the water mains of the Board for the purpose of attaching the Consumer's service lines.
15. "Cross Connection" - A prohibited physical connection between the Board's water system and a separate water system, whereby water not produced by the Board could enter its system.
16. "Curb Stop" - A special brass valve designed for installation between the Consumer's service line and the Board's meter to be used only by the Board for conveniently turning water on and off.
17. "Curb Stop Seal" - A seal placed on the curb top when the water lateral is not in service. This seal must be broken for water to come from the curb stop.
18. "Dead End" - A water lateral installed without a water meter.
19. "Distribution System" - The pipes, mains, valves, fittings and other related appliances through which water is transmitted to the Board's Consumers.
20. "Domestic Service" - A tap, lateral, meter and box that supplies water to the residential Consumer for domestic purposes only.
21. "Domestic Sewage" - Liquid waste from bathrooms, toilet rooms, kitchens and home laundries.
22. "Fire Line" - A system of pipes and equipment used to supply water in an emergency for extinguishing fire.
23. "Industrial Wastes" - The liquid wastes, other than domestic sewage, resulting from processes or operations employed in industrial establishments.
24. "Main" - The pipe in the street, avenue or alley, extending parallel or nearly parallel to the line of property abutting thereon.
25. "National Categorical Pretreatment Standard" - Any regulation containing pollutant discharge limits promulgated by the U. S. Environmental Protection Agency in accordance with Section 307(b) and (c) of the Clean Water Act.

DEFINITIONS

26. "New Source" - Any building, structure, facility or installation from which there is or may be a Discharge of pollutants, the construction of which commenced after the publication of proposed Pretreatment Standards under section 307(c) of the Clean Water Act which will be applicable to such source if such Standards are thereafter promulgated in accordance with that section, provided that:
- (a) The building, structure, facility or installation is constructed at a site at which no other source is located; or
 - (b) The building, structure, facility or installation totally replaces the process or production equipment that causes the discharge of pollutants at an existing source; or
 - (c) The production of wastewater generating processes of the building, structure, facility or installation is substantially independent of an existing source at the same site. In determining whether these are substantially independent, factors such as the extent to which the new facility is integrated with the existing plant, and the extent to which the new facility is engaged in the same general type of activity as the existing source should be considered.
27. "Normal Sewage" - Waste having "B.O.D." (denoting biochemical oxygen demand) of 250 parts or less per million by weight and suspended solids of 250 parts or less per million by weight."
28. "Occupant" - The person in possession or control of any premises to which the Board supplies water service.
29. "Owner" - The person, firm, private or public corporation, association, or other entity including governmental agencies and other units of government who has legal or equitable title, sole or partial, to any premises.
30. "Paving" - The surface of a street or the treatment thereof.
31. "Person" - Every individual, firm, association, partnership, corporation, trust, estate or other entity.
32. "Plumber" -A person licensed by the State of Alabama, and has a government issued business license to do plumbing work.
33. "Premises" -Land, building or other structure or appurtenances thereto.
34. "Private Fire Protection System" - Water mains, pipes, hydrants, sprinklers, and other facilities installed on private premises for the purpose of providing fire protection and that are not the responsibility of the Board.
35. "Public Fire Protection System" - Water mains, pipes, hydrants, and other facilities in a street used in whole or in part for the protection of premises from fire.
36. "Publicly Owned Treatment Works" ("POTW") - The Board's sewage works.

RULES AND REGULATIONS

37. "Receiving Stream" - That body of water, river, stream or watercourse receiving the discharge waters from a sewage treatment plant or formed by the waters discharged from a sewage treatment plant.
38. "Rules And Regulations" - All rules and regulations governing the provision of services by the Board to any Consumer, Owner, Occupant, or other Person, including those rules and regulations set forth herein and any other rules as shall be adopted by the Board from time to time, and also including all requirements, specifications, terms, instructions, codes, restrictions, instructions, limitations, and provisions contained in the Board's Engineering Design Manual, which is maintained by the Board and available for inspection and copying at the Board's Office.
39. "Sanitary Sewer" - A sewer to which storm, surface, and ground waters are not intentionally admitted.
40. "Service Location" - The premises served by an individual meter.
41. "Service Main" - The temporary supply pipe installed on a street where no standard water main exists.
42. "Sewage" - A combination of the water-carried wastes from residences, business buildings, institutions, and industrial establishments, together with such ground, surface and storm waters as may be present.
43. "Sewage Works" - All facilities for collecting, pumping, treating, and disposing of sewage, also referred to herein as "Publicly owned Treatment Works" or "POTW".
44. "Sewer" - A pipe or conduit for carrying sewage.
45. "Sewer Lateral" - The pipe or conduit carrying sewage from the Owner's premises to the sanitary sewer main. The sewer lateral is the property of and the responsibility of the Owner.
46. "Standard Methods" - The laboratory procedures set forth in the latest edition, at the time of analysis, of Standard Methods for the Examination of Water and Sewage, as prepared, approved, and published jointly by the American Public Health Association, the American Water Works Association, and the Federation of Sewage and Industrial Wastes Associations.
47. "Storm Sewer" or "Storm Drain" - A sewer which carries storm and surface waters and drainage but excludes sewage and polluted industrial waste.
48. "Street" - Every way or place of whatever nature open to the use of the public, whether within or beyond the corporate limits of the City of Montgomery, including streets, alleys, highways, parks, roads, and all other public places.
49. "Tampering" - Any willful interference with the fire hydrant, water meter, locks, or other system components belonging to the Board.
50. "Tap" - A corporation stop, valve or fitting, installed in the Board's main for the purpose of connecting the Owner's service line thereto.

DEFINITIONS

51. "Unpolluted Water Or Waste" - Any water or waste containing none of the following: free emulsified grease or oil; acid or alkali; phenols or other substances imparting taste and odor in receiving waters; swimming pool water; toxic or poisonous substances in suspension, colloidal state or solution; and noxious or odorous gasses. It shall contain not more than 10,000 parts per million by weight of dissolved solids, of which not more than 2,500 parts per million shall be chloride, with permissible volume subject to review by the Board, and not more than ten parts per million each of suspended solids and B.O.D. The color shall not exceed fifty parts per million. Unpolluted water shall include the discharge (1) from rain down spouts and drains, (2) from surface water drains, (3) from air conditioning systems, (4) from basement drains, and (5) from cooling waters containing none of the following: free emulsified grease or oil, acid or alkali; phenols or other substances imparting taste and odor in receiving waters; toxic or poisonous substances in suspension, colloidal state or solution; noxious or odorous gasses, or (6) from swimming pools.
52. "Utility Contractor" – Contractor licensed by the State of Alabama to construct water projects. A Major Classification of Municipal and Utility on General Contractor's License or equivalent is required.
53. "User" - A non-domestic source of discharge of pollutants into the Board's sewage works.
54. "Water Lateral" - The pipe fittings and equipment in a street connected to a main used to conduct water to any premises.
55. "Water Service" - The furnishing or supplying of water through the Board's water system for residential, commercial, industrial or fire protection uses, or the readiness to furnish water for said purposes from the Board's water system.
56. "Water System" - The Board's plant and distribution system.



SECTION VI ABBREVIATIONS

ADEM	-	Alabama Department of Environmental Management
BOD	-	Biochemical Oxygen Demand
CEI	-	Compliance Evaluation Inspection
CFR	-	Code of Federal Regulations
COD	-	Chemical Oxygen Demand
CSI	-	Compliance Sampling Inspection
EPA	-	Environmental Protection Agency
l	-	Liter
LEL	-	Lower Explosive Limit
mg	-	Milligrams
mg/l	-	Milligrams per liter
NPDES	-	National Pollutant Discharge Elimination System
O&M	-	Operation and Maintenance
POTW	-	Publicly Owned Treatment Works
SIC	-	Standard Industrial Classification
SID	-	State Indirect Discharge Permit
SWDA	-	Solid Waste Disposal Act. 42 U.S.C. 6901, et. seq.
USC	-	United States Code
TSS	-	Total Suspended Solids