

Pretreatment Program Rules and Regulations

PART I - GENERAL PROVISIONS

A. PURPOSE AND POLICY

The “Pretreatment Program Rules and Regulations” sets forth uniform requirements for direct and indirect contributors into the wastewater collection and treatment system of the Board of Water and Sewer Commissioners of the City of Mobile (the BOARD); enables the BOARD to comply with all applicable State and Federal laws required by the Clean Water Act of 1977 and the General Pretreatment Regulations (40 CFR, Part 403).

The “Pretreatment Program Rules and Regulations” provides for the regulation of direct and indirect contributors to the BOARD’s wastewater system through the issuance of contracts to certain non-domestic users and through enforcement of general requirements for the other users, authorizes monitoring and enforcement activities, requires user reporting, establishes administrative review procedures, assumes that existing customer’s capacity will not be preempted, and provides for the setting of fees for the equitable distribution of costs resulting from the program established herein.

The “Pretreatment Program Rules and Regulations” shall apply to persons both within and outside the city limits of the City of Mobile who are, by contract or agreement with the BOARD, users of the BOARD’s wastewater treatment facilities. Any user that discharges wastewater into the BOARD’s wastewater system, shall comply with the terms and conditions established in the “Pretreatment Program Rules and Regulations”, as well as any permits or orders issued hereunder. Except as otherwise provided herein, the Director of the Mobile Area Water & Sewer System or his designees shall administer, implement, and enforce the provisions of the “Pretreatment Program Rules and Regulations”. Any powers granted to or duties imposed upon the Director may be delegated by the Director to other BOARD personnel.

B. OBJECTIVES

1. Prevent the introduction of pollutants into the Board’s wastewater system that will interfere with the operation of the system or negatively affect the quality of the resulting sludge or its marketability.
2. Prevent the introduction of pollutants into the BOARD’s wastewater system which will pass through the system, inadequately treated, into receiving waters or the atmosphere or otherwise be incompatible with the system.
3. Provide for the equitable distribution of the cost of the BOARD’s wastewater system.
4. Protect, in addition to the general public, the BOARD’s personnel who may come into contact with sewage, sludge and effluent in the course of their employment.
5. Ensure the BOARD’S compliance with its NPDES permit conditions, sludge use and disposal requirements and any other Federal or State laws to which the BOARD’s wastewater system may be subject.
6. Improve the opportunity to recycle and reclaim wastewater and sludges from the system.

C. DEFINITIONS

Unless the context specifically indicates otherwise, the following terms and phrases, as used in the "Pretreatment Program Rules and Regulations" shall have the meanings hereinafter designated:

1. **Act or "the Act"** - The Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C. 1251 et. seq.
2. **Approval Authority** - The Approval Authority shall be the Alabama Department of Environmental Management (ADEM), the successor to AWIC.
3. **Authorized Representative of Industrial User** - An authorized representative of an Industrial User may be:
 - a. A principal executive officer of at least the level of vice-president, if the Industrial User is a corporation.
 - b. A general partner or proprietor if the industrial user is a partnership or proprietorship, respectively.
 - c. A duly authorized representative of the individual designated above if such representative is responsible for the overall operation of the facilities from which the indirect discharge originates.
4. **Batch Process** - A treatment process in which a tank or reactor is filled, the wastewater (or solution) is treated or a chemical solution is prepared, and the tank is emptied. The tank may then be filled and the process repeated. Batch processes are also used to cleanse, stabilize or condition chemical solutions for use in the industrial manufacturing and treatment processes.
5. **Biochemical Oxygen Demand** - Shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at 20° centigrade, expressed in parts per million by weight.
6. **BOARD** - Shall mean the Board of Water and Sewer Commissioners of the City of Mobile.
7. **Building Sewer** - Shall mean the extension from the building drain to the sewer lateral at the property line or other lawful place of disposal.
8. **Categorical Standards** - National Categorical Pretreatment Standards or Pretreatment Standards.
9. **City** - The City of Mobile or the City Commission or City Council of the City of Mobile.
10. **Chemical Oxygen Demand** - Shall mean the quantity of dissolved oxygen required for the chemical oxidation of decomposable matter under aerobic conditions.
11. **Composite Sample** - Shall be time-composite sample collected using automatic sampling equipment or a minimum of eight (8) equal volume grab samples collected over equal time intervals for the total period of discharge not to exceed 24 hours.
12. **Contractual Arrangement** - Shall mean a contract between a discharger and the BOARD. A permit issued by the BOARD to a discharger is also referred to as a contractual arrangement.
13. **Cooling Water** - The water discharged from any use such as air conditioning, cooling or refrigeration, or to which the only pollutant added is heat.
14. **Constituents** - Shall mean the combination of particles, chemicals or conditions which exist in the industrial waste.
15. **Direct Discharge** - The discharge of treated or untreated wastewater directly to the waters of the State of Alabama.
16. **Director** - The person designated by the BOARD to supervise the operation of the publicly owned treatment works and who is charged with certain duties and responsibilities by this article, or his duly authorized representative.

17. **Discharge** - The introduction of non-domestic pollutants into the BOARD's wastewater collection and treatment system by an industrial user.
18. **Effluent** - Shall mean the discharge of flow from a reservoir, basin, treatment process or treatment facility.
19. **Effluent Limits** - Pollutant limitations developed by a POTW for each industrial plant discharging to the POTW system. At a minimum, all industrial facilities are required to comply with federal prohibited discharge standards. The industries covered by federal categorical standards must also comply with the appropriate discharge limitations. The POTW may also establish local limits in excess of or in addition to the federal and state standards for some or all of its industrial users.
20. **Environmental Protection Agency** - A regulatory agency established by the U. S. Congress to administer the nation's environmental laws; the U. S. Environmental Protection Agency, or where appropriate the term may also be used as designation for the Administrator or other duly authorized official of said agency.
21. **Grab Sample** - A sample that is taken from a waste stream on a one-time basis with no regard to the flow in the waste stream and without consideration of time.
22. **Holding Tank Waste** - Any waste from holding tanks such as vessels, chemical toilets, campers, trailers, septic tanks, and vacuum-pump tank trucks.
23. **Indirect Discharge** - The discharge or the introduction of non-domestic pollutants from any source regulated under Section 307(b) or (c) of the Act, (33 U.S.C. 1317), into the BOARD's wastewater treatment facilities (including holding tank waste discharged into the system).
24. **Industrial Plant** - Shall mean any plant producing liquid waste, with or without bearing suspended solids, required to be discharged either with or without pretreatment, into the BOARD's wastewater system.
25. **Industrial Plant Site** - Shall mean a parcel of land occupied by a facility that discharges industrial waste.
26. **Industrial Surcharge** - Shall mean an additional service charge assessed against industries in the BOARD's service system area whose waste characteristics exceed those of normal wastewater, industrial waste or the liquid waste other than domestic sewage resulting from processes or operations employed in industrial establishments. Normal sewage is that waste have BOD of 280 ppm.
27. **Industrial Wastewater** - Non-domestic wastewater originating from a non-residential source
28. **Interference** - The inhibition or disruption of the BOARD's treatment processes or operations that contributes to a violation of any requirement of the BOARD's Permit. The term includes prevention of sewage sludge use or disposal by the BOARD in accordance with 405 of the Act, (33 U.S.C. 1345) or any Solid Waste Disposal Act (SWDA), the Clean Air Act, the Toxic Substances Control Act, applicable to the method of disposal or use employed by the BOARD.
29. **National Pollution Discharge Elimination System Permit** - A permit issued pursuant to Section 402 of the Act (33 U.S.C. 1342).
30. **Non-domestic Pollutant** - Any substance other than human excrement or household gray water.
31. **Person or Owner** - Shall mean any individual, partnership, copartnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity, or any other legal entity, or their legal representative agents or assigns. The masculine gender shall include the feminine, the singular shall include the plural where indicated by the context.
32. **pH** - Shall mean the reciprocal of the log of the weight of hydrogen ions in grams per liter of solution.

33. **Pollution** - Shall mean any dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discharged equipment, rock, sand, cellar dirt and industrial, municipal, and agricultural waste discharged into water.
34. **Pretreatment or Treatment** - Shall mean the reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater to a less harmful state prior to or in lieu of discharging or otherwise introducing such pollutants into the Board's wastewater treatment facilities. Pretreatment shall also mean that biological, physical or chemical treatment given to waste are those processes utilized for this purpose before discharge into the sanitary sewer system .
35. **Pretreatment Specialist** - BOARD personnel who conduct inspections of industrial pretreatment facilities and food service facilities to ensure protection of the environment and compliance with general and categorical pretreatment regulations.
36. **Shall** - is mandatory **May** is permissive.
37. **Slug load** - **Any** pollutant (including BOD) released in a discharge at a flow or concentration that will cause a violation of the specific discharge prohibition.
38. **Suspended Solids** - Shall mean solids that either float on the surface of, or that are in suspension in water, sewage or other liquids and which are removable by laboratory filtering.
39. **Toxic Pollutant** - Any pollutant or combination of pollutants listed as toxic in regulations promulgated by the Administrator of the Environmental Protection Agency under the provision of CWA 307(a) or other Acts.
40. **Treatment plant** - Any device or system used in collection, storage, treatment, recycling and/or reclamation of wastewater.
41. **User** - Any person who contributes, causes or permits the contribution of wastewater into the BOARD's wastewater treatment facilities also herein referred to as discharger.
42. **Wastewater or Wastes** - Shall mean the used water and water-carried solids from the community that flow into the BOARD's wastewater system.
43. **Waters of the State** - All streams, lakes, ponds, marshes, watercourses, waterways, wells, springs, reservoir, aquifers, irrigation systems, drainage systems and all other bodies or accumulations of water, surface or underground, natural or artificial, public or private, which are contained within, flow through, or border upon the State or any portion thereof.

D. ABBREVIATIONS

The following abbreviations shall have the designated meanings.

1. **ADEM** - Alabama Department of Environmental Management
2. **BOARD** - The Board of Water and Sewer Commissioners of the City of Mobile
3. **BOD** - Biochemical Oxygen Demand
4. **CFR** - Code of Federal Regulations
5. **COD** - Chemical Oxygen Demand
6. **EPA** - Environmental Protection Agency
7. **l** - Liter
8. **MGD** - Million gallons per day
9. **mg** - Milligrams

- 10. **mg/l** - Milligrams per liter
- 11. **NPDES** - National Pollutant Discharge Elimination System
- 12. **O/G** - Oil & Grease
- 13. **POTW** - Publicly Owned Treatment Works
- 14. **RCRA** - Resource Conservation and Recovery Act
- 15. **SIC** - Standard Industrial Classification
- 16. **SID** - State Indirect Discharge Permit
- 17. **SWDA** - Solid Waste Disposal Act, 42 U.S.C. 6901, et. seq.
- 18. **TSS** - Total Suspended Solids
- 19. **USC** - United States Code

PART II - REGULATIONS

A. General Discharge Prohibitions

No User shall contribute or cause to be contributed, directly or indirectly, any pollutant or wastewater which will interfere with the operation or performance of the BOARD's wastewater collection and/or treatment facilities. These general prohibitions apply to all such Users of the BOARD's wastewater facilities 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 discharge to the BOARD's wastewater collection and treatment facilities any of the following:

1. Any liquids, solids, or gases 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 be injurious in any other way to the BOARD's wastewater facilities or to the operation of the BOARD's wastewater treatment facilities. 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 any single reading over ten percent (10%) of the lower explosive limit (LEL) of the meter. Prohibited material include, but are not limited to, gasoline, kerosene, naphtha, benzene, toluene, xylene, ethers, alcohols, ketones, aldehydes, peroxides, chlorates, perchlorates, bromates, carbides, hydrides, and sulfides and any other substances which the City, the State or EPA has notified the User is a fire hazard or a hazard to the system.
2. Solid or viscous substances which may cause obstruction to the flow in a sewer or other interference with the operation of the wastewater treatment facilities such as, but not limited to: garbage with particles greater than one-half inch (1/2") in any dimension, grease, animal guts or tissues, paunch manure, bones, hair, hides or fleshings, 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 from refining, or processing of fuel or lubricating oil, mud, glass grinding or polishing wastes.
3. Any wastewater having a pH less than 6 or higher than 11, unless the BOARD's wastewater treatment facilities are 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 BOARD's wastewater treatment facilities.

4. Any wastewater containing toxic pollutants in sufficient quantity, either singly or by interaction with the other pollutants, to injure or interfere with any wastewater treatment process, constitutes a hazard to humans or animals, create a toxic effect in the receiving waters of the BOARD's wastewater treatment facilities, 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 Act.
5. Any noxious or malodorous liquids, gases, or solids which either singly or by interaction with other wastes are sufficient to create public nuisance or hazard to life or are sufficient to prevent entry into the sewers for maintenance and repair.
6. Any substances which may cause the BOARD's wastewater treatment facilities' effluent or any other product of the BOARD's wastewater treatment facilities such as residues, sludge, or scum, to be unsuitable for reclamation and reuse or to interfere with the reclamation process. In no case, shall a substance discharged to the BOARD's wastewater treatment facilities cause the BOARD's wastewater treatment facilities to be in non-compliance with sludge use or disposal criteria, guidelines or regulations developed under Section 405 of the Act; any criteria, guidelines, or regulations affecting sludge used 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 which will cause the BOARD's wastewater treatment facilities to violate its NPDES and/or State Disposal System Permit or the receiving water quality standards.
8. Any wastewater with objectionable color not removed in the treatment process, such as, but not limited to, dye wastes, and vegetable tanning solutions.
9. Any wastewater having a temperature which will inhibit biological activity in the BOARD's wastewater treatment plant resulting in interference, but in no case wastewater with a temperature at the introduction into the BOARD's wastewater collection system which exceeds 43°C (110°F)
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 BOARD's wastewater treatment facilities. 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 half-life or concentration as may exceed limits established by the Director in compliance with applicable State or Federal regulations.
12. Any wastewater which causes a hazard to human life or creates a public nuisance.
13. Storm water, surface water, ground water, artesian well water, roof runoff, subsurface drainage, condensate, deionized water, cooling water and unpolluted industrial wastewater, unless specifically authorized by the Director.

Wastes prohibited by this section shall be processed or stored in such a manner that these wastes could be discharged to the BOARD's wastewater system. All floor drains located in process or materials storage areas must discharge to the user's pretreatment facility before connecting with the BOARD's wastewater system.

When the Director determines that a User(s) is contributing to the BOARD's wastewater treatment facilities, any of the above enumerated substances in such amounts as to interfere with the operation of the BOARD's wastewater treatment facilities, the Director shall:

- ◆ Advise the User(s) of the impact of the contribution on the BOARD's wastewater treatment facilities
- ◆ Develop effluent limitation(s) for such User to correct the interference with the BOARD's wastewater treatment facilities

B. FEDERAL CATEGORICAL PRETREATMENT STANDARDS

Upon the promulgation of the Federal Categorical Pretreatment Standards for a particular industrial sub-category, the Federal Standard, if more stringent than limitations imposed under these Rules and Regulations or sources in that sub-category, shall immediately supersede the limitations imposed under these Rules and Regulations. The Director shall notify all affected Users of the applicable reporting requirements under 40 CFR, Section 403.12.

C. MODIFICATION OF FEDERAL CATEGORICAL PRETREATMENT STANDARDS

Where the BOARD's wastewater treatment system achieves consistent removal of pollutants limited by Federal Pretreatment Standards, the BOARD may apply to the Approval Authority for modification of specific limits in the Federal Pretreatment Standards. "Consistent Removal" shall mean reduction in the amount of a pollutant or alteration of the nature of the pollutant by the wastewater treatment system to a less toxic or harmless state in the effluent which is achieved by the system 95 percent of samples taken when measured according to the procedures set forth in Section 403.7(c)(2) 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 Act. The BOARD may then modify pollutant discharge limits in the Federal 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.

D. PRETREATMENT FACILITIES

Users shall provide necessary wastewater treatment as required to comply with this "Pretreatment Program Rules and Regulations" and shall achieve compliance with all categorical pretreatment standards, local limits, and prohibitions within the time limitations specified by the Director. Any facilities required to pretreat 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 Director for review.

Grease, oil, and sand interceptors shall be provided when, in the opinion of the Director, they are necessary for the proper handling of wastewater containing excessive amounts of grease, flammable substance, sand, or other harmful substances; except that such interceptors shall not be required for residential users. Such interceptors shall be inspected, cleaned, and repaired regularly, as needed by the owner at his expense.

E. SPECIFIC POLLUTANT LIMITATIONS

Except as herein otherwise provided, no person shall discharge or cause to be discharged any of the following waters or wastes into any sanitary sewer system of the Board of Water and Sewer Commissioners of the City of Mobile:

1. Any liquid or vapor having a temperature higher than 110°F.
2. Any water or waste which may contain more than 100 parts per million by weight of fat, oil or grease or other substance that will solidify or become viscous at temperatures between 32°F and 90°F.
3. Any gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid or gas.
4. Any water or wastes that contain more than ten parts per million by weight of hydrogen sulfide, sulfur dioxide, and/or nitrous oxide.
5. Any garbage that has not been properly shredded.
6. Any ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, paunch manure or other solid or viscous substance capable of causing obstruction to the flow in sewers and other interference with the proper operation of the sewer works.
7. Any waters or wastes having a pH lower than 6.0 or higher than 11.0 or having any other corrosive property capable of causing damage or hazard to the BOARD's structures, equipment and personnel.
8. Any waters or wastes containing a toxic or poisonous substance(s) or any other materials in sufficient quantity to injure or interfere with any sewage treatment process, or constitute a hazard to humans or animals, or create any hazard in the receiving waters of the sewage treatment plant, and without proper pretreatment and written approval of the Director.
9. Any waters or wastes containing suspended solids in concentration greater than 250 mg/l and are of such character and quantity that unusual attention or expense is required to handle such materials at the sewage treatment plant.
10. Any noxious or malodorous liquids, gases, or solids which either singly or by interaction with other wastes are sufficient to create public nuisance or hazard to life or are sufficient to prevent entry into the sewers for maintenance and repair.
11. Any waters or wastes containing BOD in concentration greater than 280 mg/l.
12. Any waters or wastes having an objectionable color which is not removable in the existing sewage treatment plant processes.
13. Any Unpolluted waters and/or unpolluted wastes.
14. Any long half-life (over 100 days) of toxic radioactive isotopes, without special permit.
15. Any wastewater containing phenols or other taste-producing substances in such concentrations as to produce odor in the effluent as to effect the taste or odor of the receiving waters. Quantities of such substances will be determined by the Director on a case by case basis.
16. Any categorical waste in excess of State or Federal effluent guidelines.
17. Any fats or greases including but not limited to petroleum oil, non-biodegradable cutting oil, or products of mineral oil origin, in amounts that will cause interference or pass through.
18. Any material identified as hazardous waste according to 40 CFR Part 261 except as may be specifically authorized by the director.

19. All pollutants listed under Part II, A - General Discharge Prohibitions are included in their entirety as part of this section.

The limits fixed herein may be used as a guide in design and plant control, but may be altered by the Director as required or authorized by State or Federal law in the event of a cumulative overload on a particular drainage basin or wastewater treatment plant.

F. 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 the Pretreatment Program Rules and Regulations.

G. BOARD'S RIGHT OF REVISION

The BOARD reserves the right to establish by resolution more stringent limitations or requirements on discharges to the wastewater disposal system if deemed necessary to comply with the objective presented in Part I Section A of the Pretreatment Program Rules and Regulations.

H. 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 Federal Categorical Pretreatment Standards, or in any other pollutant-specific limitation developed by the BOARD or State.

I. ACCIDENTAL DISCHARGES

Each User shall provide protection from accidental discharge of prohibited materials or other substances regulated by the Pretreatment Program Rules and Regulations. Facilities to prevent accidental discharge of prohibited materials shall be provided and maintained at the owner's or User's own cost and expense. Detailed plans showing facilities and operating procedures to provide this protection shall be submitted to the BOARD for review, and shall be approved by the BOARD before construction of the facility. Review and approval of such plans and operating procedures shall not relieve the User from the responsibility to modify the User's facility as necessary to meet the requirements of the Pretreatment Program Rules and Regulations. In the case of an accidental discharge, it is the responsibility of the User to:

1. Immediate Notice - User should immediately telephone and notify the BOARD of the incident. The notification shall include location of discharge, type of waste, concentration and volume, and corrective actions.
2. Written Notice - Within five (5) days following an accidental discharge; the User shall submit to the Director 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 of any expense, loss, damage, or other liability which may be incurred as a result of damage to the BOARD's wastewater treatment facilities, 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 this article or other applicable law.
3. Notice to Employees - 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 or suffer such a dangerous discharge to occur are advised of the emergency notification procedure.

PART III - FEES

A. PURPOSE

The fees established in this part of the Pretreatment Rules and Regulations are to provide for the recovery of the costs associated with the implementation and maintenance of the Pretreatment Program from Users of the BOARD's wastewater disposal system. The applicable charges or fees shall be set forth in the BOARD's "Policy and Procedures Handbook."

B. CHARGES AND FEES

The BOARD may adopt charges and fees that may include:

1. fees for reimbursement of costs of setting up and operating the BOARD's Pretreatment Program;
2. fees for monitoring, inspections and surveillance procedures;
3. fees for reviewing accidental discharge procedures and construction;
4. fees for filing appeals;
5. fees for consistent removal (by the BOARD) of pollutants otherwise subject to Federal Pretreatment Standards;
6. other fees as the BOARD may deem necessary to carry out the requirements contained herein;
7. Fees for violation of pretreatment requirements.

These fees relate solely to the matters covered by this Pretreatment Program Rules and Regulations and are separate from all other fees chargeable by the BOARD.

PART IV - PRETREATMENT PROCEDURES (PERMITTING, COMPLIANCE TRACKING, AND ENFORCEMENT)

The BOARD's pretreatment program consists of four major elements: the identification and categorization of dischargers and determination of pretreatment requirements; the issuance of permits and contracts; the tracking of dischargers to ensure compliance with permits and contracts; and the enforcement of all pretreatment rules and regulations. The purpose of Part IV is to describe the procedures for meeting the requirements of the four 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 Program Rules and Regulations".

A. IDENTIFICATION AND CATEGORIZATION OF DISCHARGERS AND DETERMINATION OF PRETREATMENT REQUIREMENTS

1. Identification of Dischargers

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

- a. **Existing Dischargers** - The primary tool for identifying existing dischargers who may be subject to the BOARD's pretreatment requirements is a preliminary screening questionnaire and accompanying letter of transmittal. The questionnaire and letter will be sent to any known or suspected discharger who has not been categorized as below. The function of the questionnaire is to obtain sufficient information to determine what further action will be required to categorize the discharger.

Should there be 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. Should the second questionnaire elicit no response, the name of the discharger will be referred for follow-up under enforcement procedures.

- b. **New Dischargers** - The Business License office of the City of Mobile will provide each applicant for a business license the questionnaire card provided by BOARD. The questionnaire card is a numbered, stamped, self-addressed postcard containing questions relating to the use of the BOARD's wastewater collection and treatment system on the back. The applicant for the business license shall complete the card and mail it back to the BOARD.

After the completed card is returned and the responses provided evaluated by the BOARD, the business will either be placed in the non-significant category or be mailed a more detailed questionnaire.

A record of all businesses contacted and the subsequent responses will be maintained.

2. **Categorization**

Upon receipt of the required information, each business will be placed into one of the following categories for program management. Categorization will be made in as fair and equitable manner as possible. General guidelines for identifying category placement are given below.

Category 1 - Those businesses which have no discharge other than normal sanitary wastewater, or whose non-sanitary discharge has no significant effect on the BOARD's wastewater collection and treatment system, shall 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. For those businesses designated Category 1, no contractual arrangement between the BOARD and discharger will be required.

Category 2I - Businesses with wastewater discharges that do not fall under State or Federal Industrial pretreatment guidelines; and therefore, are not required to obtain a permit from said agencies. However, businesses, with discharges that contain some constituent of concern to the BOARD, or whose discharge may interfere with the operation and maintenance of the BOARD's wastewater collection and treatment system will be subject to control by the BOARD. A contractual arrangement delineating specific requirements for the discharger will be executed between the BOARD and the discharger for all dischargers designated Category 2I. In addition, the discharger will be subject to the BOARD's compliance tracking program.

Category 2FS - Businesses that prepare and/or serve food commercially and are not required to obtain a State Indirect Discharge (SID) permit are placed in Category 2FS. A business so categorized will be subject to the BOARD's compliance tracking program and monitored for oil/grease and any other constituents that, in the Director's judgment, may interfere with the operation and maintenance of the BOARD's wastewater collection and treatment system. A contractual arrangement delineating specific requirements for the discharger will be executed between the BOARD and the discharger so designated.

Category 3 - Businesses that are subject to State and Federal Industrial Pretreatment rules and regulations and are required to obtain a SID permit will be placed in this category. 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 in 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 placed in this category will be permitted by the State, and will be required to execute a contractual arrangement 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.

3. Monitoring Facilities

The BOARD shall require the Category 2I or 3 User to provide and operate, at the user's own expense, monitoring facilities to allow inspection, sampling, and flow measurement of the building sewer and/or internal drainage system. The monitoring facility shall normally be situated in the User's premises, but the BOARD may, when such a location would be impractical or cause undue hardship on the user, allow the facility to be constructed in the public street or sidewalk area with the required, appropriate permission from the City 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 time in a safe and proper operating condition at the expense of the user. The BOARD shall provide the monitoring facility for a category 2FS discharger at its own expense. The monitoring facility shall normally be situated in the right-of-way or easement area.

4. Inspection and Sampling

The BOARD shall inspect the facilities of any User to ascertain whether the User is complying with all requirements and the purpose of the "Pretreatment Program Rules and Regulations" is being met. Persons or occupants of premises where wastewater is created or discharged shall allow the BOARD or its representative ready access at all reasonable times to all parts of the premises for the purposes of inspection, sampling, records examination or in the performance of any of their duties. The BOARD and the Approval Authority shall have the right to set up on the User's property such devices as are necessary to conduct sampling inspection, compliance monitoring and/or metering operations. Where a User has security measures in force which would require proper identification and clearance before entry into their premises, the User shall make necessary arrangements with their security guards so that upon presentation of suitable identification, personnel from the BOARD, Approval Authority and EPA will be permitted to enter, without delay, for the purposes of performing their specific responsibilities.

5. Determination of Pretreatment Requirements

After the User is placed in one of the categories previously described, requirements for Category 2I and 3 dischargers must be determined. The BOARD will make Category 2I requirements based on available information and Category 3 requirements in coordination with ADEM. Effluent limits for priority/categorical pollutants will be in accordance with those promulgated by EPA and ADEM; unless more stringent limits are necessary to protect the BOARD's wastewater collection and treatment system.

B. Appeal Procedures for Any Pretreatment Requirement

Decisions concerning pretreatment requirements for dischargers within the BOARD's purview will be made by the Director of the system. Should the discharger object to the Director's decision, the procedures listed below are applicable:

1. Written notice of the objection should be made to the Director of the Mobile Area Water and Sewer System within thirty (30) calendar days of notification of the requirement. The Director will reply to the objection within 20 working days. Decisions by the Director may be appealed to the BOARD, or to a committee that the BOARD for the purpose of hearing such appeals may establish. 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, or set for hearing, is considered granted to the discharger.
3. The thirty-day period within which the discharger can appeal may be waived by the Director if extenuating circumstances so justify.
4. The appellant will be given the time, date and place of the hearing, and may present said objection in his behalf at said hearing.
5. If an appealing discharger is a category 3 discharger (SID permit required) the final appeal concerning issuance of the SID permit and permit requirement(s) must be to the State agency, ADEM. The BOARD's recommendations must accompany the discharger's appeal to the State.
6. The BOARD may conduct the hearing and take the evidence, or may designate any of its members or any officer or employee to:
 - a. issue in the name of the BOARD 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;
 - c. transmit a report of the evidence and hearing, including transcripts and other evidence, together with recommendations to the BOARD for action thereof.
7. At any hearing held pursuant to the "Pretreatment Program Rules and Regulations", testimony taken may be under oath and recorded stenographically. 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.
8. After the BOARD has reviewed the evidence, it may issue an order to the User responsible for the discharge directing that, following a specified time period, the sewer service be discontinued unless adequate devices or other related appurtenances are installed on existing treatment facilities, and such devices or other related appurtenances are properly operated and maintained. Further orders and directives as are necessary and appropriate may be issued.

C. Modification of Program Requirements for Dischargers

Periodically, changes in pretreatment requirements of existing dischargers may be appropriate. When such changes are deemed necessary, the procedures listed below are applicable:

1. The dischargers 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 discharger requirements will be effective thirty (30) days after notice. Should a discharger object to the change, such objection must be registered with the BOARD within thirty (30) days of receipt of the notice of proposed change.

4. The filing of a request by the User for a permit modification does not stay any condition of its existing contractual agreement.

D. Permits and Contracts

The basis for regulating discharges to the BOARD's wastewater collection and treatment system will be through SID permits and through contracts between the discharger 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. The BOARD will execute contracts with Category 2I, 2FS and 3 dischargers. These contracts will specifically identify all pretreatment requirements to be enforced by the BOARD that the discharger must meet and will provide the BOARD that authority required by Federal pretreatment regulations but not granted the BOARD under enabling statute. Dischargers may be subject to other State and Federal pretreatment requirements not included in the BOARD's contract.

Should a user be required to construct a pretreatment facility, such a requirement and a schedule for completion of such facility will be included as an enforceable portion of the user's contract.

1. Contract Application

Users required to obtain a SID permit shall complete and file with the BOARD, an application in the form prescribed by the BOARD. Proposed new users shall apply at least 90 days prior to connecting to or contributing to the BOARD's wastewater collection and treatment facilities. In support of the application, the user shall submit, in units and terms appropriate for evaluation, all information supplied to the State.

The BOARD will evaluate the data furnished by the user and may require additional information. After evaluation and acceptance of the data furnished, the BOARD may issue a Pretreatment Program Wastewater Discharge Contract subject to terms and conditions required by the BOARD.

2. Contract Conditions

Pretreatment Program Wastewater Discharge Contracts (Contract) shall be expressly subject to all provisions of the "Pretreatment Program Rules and Regulations" and all other applicable regulations, user charges and fees established by the BOARD. Contracts may contain the following:

- a. the unit charge or schedule of user 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 locations, frequency of sampling, number, types and standards for tests and reporting schedule;
- f. compliance schedule;
- g. requirements for submission of technical reports or discharge reports;
- h. requirements for maintaining and retaining plant records relating to wastewater discharge as specified by the BOARD, and affording BOARD access thereto;
- i. requirements for notification of 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 notification of slug discharges;
- k. other conditions as deemed appropriate by the BOARD to ensure compliance with the “Pretreatment Program Rules and Regulations”.

3. Contract Duration

Contracts shall be issued for a specified time period, not to exceed five (5) years. A contract may be issued for a period of less than a year or may state the specific date of expiration. A minimum of 180 days prior to the expiration of the user’s existing contract, the user shall apply for renewal of the contract. The terms and conditions of the contract may be subject to modification by the BOARD during the term of the contract as limitations or requirements as identified in PART 2 are modified or other just cause exists. The user shall be informed of any proposed changes in his contract at least 30 days prior to the effective date of the change. Any changes or new conditions in the contract shall include a time schedule for compliance.

4. Contract Transfer

Pretreatment Program Wastewater Discharge Contracts are issued to a specific user for a specific operation. A wastewater discharge contract shall not be reassigned or transferred or sold to a new owner, new user, different premises, or a new or changed operation without the approval of the BOARD. Any succeeding owner or user shall also comply with the terms and conditions of the existing contract.

5. 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 governmental agency without restriction unless the user specifically requests 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 so requested by the person furnishing a report, 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 made available upon written request to governmental agencies for uses related to the “Pretreatment Program Rules and Regulations”, the NPDES, the SID and/or Pretreatment Programs; provided, however, that such portions of a report shall be available for use by the State or any state agency in judicial review or enforcement proceedings involving the person furnishing the report. Wastewater constituents and characteristics will not be recognized as confidential information.

The BOARD shall, not transmit to any governmental agency or to the general public information accepted by the BOARD as confidential, until and unless a ten-day notification is given to the User.

E. Compliance Tracking

The purpose of the compliance tracking program is to insure all Category 2I, 2FS and 3 dischargers are meeting the terms of their contracts. There are four major components of the compliance tracking program.

1. Self Monitoring Reports

Category 3 dischargers are required to submit a self-monitoring (DMR) report, either monthly or quarterly, to ADEM as designated in their SID permit. A copy of this report is to be submitted to the BOARD so that it is received no later than the 28th day following the monitoring period

covered. Failure to submit such report will be a breach of the executed contract and could result in enforcement action.

Category 2I dischargers are required to submit a monthly, self-monitoring report, containing those parameters designated in their contract with the BOARD, so that it is received no later than the 28th day following the monitoring period covered. Failure to submit such report will be a breach of the executed contract and could result in enforcement action.

Category 2FS discharger are not required to submit a monthly, self-monitoring report. The BOARD does all official monitoring.

2. Compliance Evaluation Inspections

The purpose of compliance evaluation inspections (CEI) is to insure the proper operation of any pretreatment facilities specified in contracts with Category 2I, Category 2FS and Category 3 dischargers. These inspections are a “walk-through” type and do not involve effluent sampling. These inspections should 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 3, 2I and 2FS facilities will receive a CEI annually.

3. Compliance Sampling Inspection

The purpose of the compliance sampling inspection (CSI) is to insure that those effluent limits specified in a discharger’s contract are being achieved.

- a. During a CSI for Category 3 or 2I dischargers, samples will be taken from the discharger’s effluent each month and analyzed for those parameters contained in their Pretreatment Program Wastewater Discharge Contract. Generally, there will be three samples taken each month unless, in the Director’s judgment, circumstances dictate the necessity for the collection of more or fewer samples during a particular period of time.
- b. During a CSI for category 2FS dischargers, a grab sample will be taken from the discharger’s effluent twice each month and analyzed for those parameters contained in their Pretreatment Program Wastewater Discharge Contract.

Upon being placed on the compliance tracking program, dischargers must prove compliance. The discharger will be sampled monthly for 3 consecutive months. If there has been no significant non-compliance of a discharge parameter, the discharger will be sampled only once in the next quarter. If the discharger continues in compliance, it will be sampled once during the following 6 months. If the discharger is in compliance at this sampling, it will attain annual sampling status and be scheduled for annual sampling each year as long as compliance is maintained. If at any time, sample results indicate a significant non-compliance situation, the discharger will be placed on a monthly CSI schedule and shall be required to prove compliance through the procedure described above. Results of self monitoring may also be used in determining compliance.

Any discharger that meets one or more of the following criteria shall be considered in significant noncompliance:

- ♦ Chronic violations of wastewater discharge limits, defined here as those in which 66% or more of all the measurements taken during a 6-month period exceed (by any magnitude) the daily maximum limit or the average limit for the same parameter.
- ♦ Technical review criteria (TRC) violations, defined here as those in which 33% or more of all the measurements for each pollutant parameter taken during a 6-month period equal or exceed the product of the daily maximum limit or the average limit multiplied by the applicable TRC (TRC=1.4 for fats, oil and grease, and 1.2 for all other parameters except pH).

- ◆ Any other effluent violation of a pretreatment effluent limit (daily maximum or longer-term average) that the control authority determines has caused, alone or in combination with other discharges, interference or passthrough (including endangering the health of POTW personnel or the general public).
- ◆ Any discharge of a pollutant that has caused imminent endangerment to human health, welfare, or to the environment, or has resulted in the POTW exercising its emergency authority under paragraph 40 CFR Part 403.8(f)(1)(vi)(B) to halt or prevent such a discharge.

4. Inspection Summary Reports

Reports will be maintained of all inspection results. The reports to be generated and their disposition are shown below:

Report Title	Contents	Disposition	
CSI	Results of Compliance Sampling Inspection	Discharger PT File	ADEM
CEI	Results of Compliance Evaluation Inspection	Discharger PT File	ADEM
Exception	Monthly List of non-compliant discharger	Wastewater Services Engineer	
Annual	Summary of discharger who had significant violations during the calendar year	Submitted to ADEM for handling in accordance with Federal Regulations	

PART V - ENFORCEMENT ACTIONS

A. Actions available for Enforcement

Action	Application	Description	Industrial User Response	Penalty
Notice of noncompliance	Non-significant instance of noncompliance	Letter advising industrial user of instance of noncompliance	None	None
Notice of violation	Significant instance of noncompliance	Letter advising industrial user of instance of noncompliance	Investigation, report, and statement of corrective action	\$100 - \$10,000 per occurrence, to be assessed if industrial user fails to comply with subsequent BOARD order
Notice of Violation	Significant instances of noncompliance or any discharge which threatens POTW and /or general public	Cease and desist order requiring compliance within 90 days	Formal compliance plan and schedule, interim and final compliance progress reports	\$1000 - \$10,000 per occurrence, to be assessed if industrial user fails to comply with subsequent BOARD order

B. Harmful Contributions

The BOARD may suspend the wastewater treatment service and/or a Pretreatment Program Wastewater Discharge contract when such suspension is necessary, in the opinion of the BOARD, 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 the persons or the environment, causes Interference to the BOARD’s Wastewater Collection and Treatment System 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 their Pretreatment Program Wastewater Discharge contract shall immediately stop or eliminate the contribution. In the event of the 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 sewage connection, to prevent or minimize damage to the BOARD's wastewater collection and treatment system or endangerment to any individuals. The BOARD shall reinstate the contract and/or wastewater treatment service upon 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.

C. Special Charges and Contracts

All charges for collection, receiving, transporting and treating industrial waste and industrial wastewaters will be subject to negotiation. The amount charged will include all expenses incurred by the BOARD in handling and treating such waste and will include any cost of chlorinating the same when mixed with the sanitary sewage. All of such services must be approved and the terms and conditions fixed under the provision of written contracts.

All industrial wastes or industrial wastewaters discharged into the system under agreement with the BOARD where BOD does not exceed 280 ppm, where fats do not exceed 100 ppm, and where the TSS does not exceed 250 ppm shall be handled by the BOARD for the rates adopted and published by the BOARD.

However, all industrial wastes or industrial wastewaters discharged into the system which exceed the limits above shall pay additional charges at the rate per pound as stated in the "Mobile Area Water and Sewer System Policy and Procedures Handbook." The BOARD will not consider levels of BOD and TSS in excess of the above limits as significant non-compliance.

In the event excess fats continue to be discharged after warning from the BOARD, the BOARD may elect to discontinue the service on twenty-four hours notice and such election shall not prejudice the claim of the BOARD for any sums due hereunder. Notice of such election shall be given by certified mail.

All industrial waste, before being discharged into the sewer system of the BOARD, shall be metered and no waste shall be discharged until so metered. Cost of the meter shall be borne by user. Appropriate devices or access areas shall be installed and maintained for the purpose of sampling such waste and the BOARD shall have free and continued access over the property of the user for the purpose of sampling the waste.

The BOARD may take such samples at any time or any place as determined by the BOARD.

Any industry that wishes to discharge a waste containing any one or combinations of wastes as outlined in paragraphs 1-18, Part II Section I above shall negotiate the charges with the BOARD on all other types of wastes not specifically charged by the "Pretreatment Program Rules and Regulations", and cannot discharge any waste into the system unless and until a written agreement is negotiated and entered into.

The BOARD reserves the right to enter into special contracts with industrial customers for the collection, treatment and disposal of industrial or sanitary sewage or waste and to enter into contracts for the construction and use of special treatment plants under the terms and conditions for the use thereof, and the provisions of this section may be altered, changed, amended or extended under the terms and conditions of such contracts.

D. Termination of Contract

Any User who violates the following conditions of the "Pretreatment Program Rules and Regulations", or applicable state and federal regulations, is subject to having its contract terminated in accordance with the procedures of Part V of the "Pretreatment Program Rules and Regulations".

1. Failure of a user to factually report the wastewater constituents and characteristics of his discharge

2. Failure of the user to report significant changes in operations, or wastewater constituents and characteristics
3. Refusal of reasonable access to the user's premises for the purpose of inspection or monitoring
4. Violation of conditions of the contract

E. Termination of Service

The BOARD may terminate water and wastewater disposal service and disconnect a pretreatment customer from the system when:

1. A government agency informs the BOARD that the effluent from the wastewater treatment plant is no longer of quality permitted for discharge to a watercourse, and it is found that the customer is delivering wastewater to the BOARD's system that cannot be sufficiently treated or requires treatment that is not provided by the BOARD as normal domestic treatment.
2. The customer:
 - a. discharges industrial waste or wastewater that is in violation of the Pretreatment Program Wastewater Discharge contract with the BOARD;
 - b. discharges water or wastes having a deleterious effect upon the BOARD's sewer system;
 - c. discharges wastewater at an uncontrolled, variable rate in sufficient quantity to cause an imbalance in the wastewater treatment system;
 - d. repeats a discharge of prohibited wastes to the BOARD's sewer;
 - e. fails to pay monthly bills for water and sewer service when due;
 - f. fails to pay all Pretreatment Program charges when due.

The BOARD shall not be held responsible in any way for any damages or inconveniences experienced by the user as a result of termination of service.

F. Legal Action

If any person discharges sewage, industrial wastes or other wastes into the BOARD's wastewater disposal system contrary to the provisions of the "Pretreatment Program Rules and Regulations" Federal or State Pretreatment Requirements, or any order of the BOARD, the BOARD's attorney may commence an action for appropriate legal and/or equitable relief in the Circuit Court of this county, the United States District Court or other proper court. In the event that the BOARD is required to take legal action in the BOARD's behalf or to defend the BOARD, for any matter arising out of the improper discharge of wastewater into the BOARD's treatment and/or collection facility, for violation of any of these Pretreatment rules and Regulations, for breach of contract or any other matter arising under the contract between the User and the BOARD, then the User shall pay all the BOARD's attorneys' fees, expenses and costs.

PART VI - INDEMNIFICATION

In any and all instances where the BOARD has reasonable cause to believe that any of the rules, regulations, or provisions set forth in "Pretreatment Program Rules and Regulations" or that have otherwise been adopted by the BOARD have been, may be, or are being violated by any user discharging waste into the BOARD wastewater collection and treatment system, the BOARD may require such person to give bond or enter into an indemnity agreement in a form acceptable to the BOARD with sufficient surety to protect, indemnify, hold harmless and

defend the BOARD from any loss, damage, or expense that may suffer or incur as a result of non-compliance or violation by such user; and , in the event of the failure to do so after ten (10) days notice by registered U. S. Mail that the same will be required, the use of the BOARD's wastewater collection and treatment system by such user shall be denied or discontinued.

PART VII - SEVERABILITY

If any provision, paragraph, word, section or article of the "Pretreatment Program Rules and Regulations" is invalidated by any court of competent jurisdiction, the remaining provision, paragraphs, words, sections, and chapters shall not be affected and shall continue in full force and effect.

PART VIII - CONFLICT

All other resolutions and parts of other resolutions inconsistent or in conflict with any part of the "Pretreatment Program Rules and Regulations" are hereby repealed to the extent of such inconsistency or conflict.

PART IX - EFFECTIVE DATE

The "Pretreatment Program Rules and Regulations" shall be in full force and effect from and after its adoption, approval and publication, as provided by law.

PART X - SPECIAL AGREEMENTS

No statement contained in the "Pretreatment Program Rules and Regulations" shall be construed as preventing any special agreement or arrangement between the BOARD and any industrial concern by the BOARD for treatment, subject to payment therefor, by the industrial concern.