

ORDINANCE NO. 464

AN ORDINANCE CONCERNING WASTEWATER TREATMENT, OUTLINING PROCEDURES, REGULATIONS AND THE PROCESS FOR OPERATION OF THE MILLS WASTEWATER COLLECTION AND DISPOSAL SYSTEM.

BE IT ORDAINED BY THE GOVERNING BODY OF THE TOWN OF MILLS, WYOMING.

WHEREAS, the Town of Mills has its own wastewater collection system, but contracts with the 201 regional system for wastewater treatment; and

WHEREAS, the Environmental Protection Agency requires certain standards, procedures and processes for the collection and treatment of wastewater.

NOW, THEREFORE, be it ordained by the Council of the Town of Mills, Wyoming.

PURPOSE, DEFINITIONS AND ABBREVIATIONS

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Section 2. Definitions Applicable

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Agreement for Intergovernmental Cooperation Concerning Industrial Wastewater Pretreatment

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Authorized Representative of Industrial User.

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Boiler Blowdown Wastewater

Building Drain

Building Sewer

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Combined Sewer

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Domestic Wastewater

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Floatable Oil

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Abbreviations

SECTION 1. PURPOSE

The purposes of this ordinance are:

- A. To establish uniform requirements for direct and indirect contributors into the wastewater collection and treatment system owned and operated by the Town and to enable the Town to comply with applicable state and federal laws and the general pretreatment regulations;
- B. To prevent the introduction of pollutants into the POTW, which will:
 1. Interfere with the operation of the system,
 2. Cause the treatment plant to violate its NPDES discharge permit,
 3. Contaminate the sludge,
 4. Pass through the system, inadequately treated, into receiving waters or the atmosphere,
 5. Pose a health threat to sewer workers, or
 6. Be otherwise incompatible with the system.
- C. Improve the opportunity to recycle and reclaim wastewaters and sludge from the system; and
- D. Provide for equitable distribution of the cost of the municipal wastewater system.
- E. Provide for proper handling and monitoring of liquid wastes containing floatable materials such as oil and grease and heavy inorganic material (such as sand and grit) which cannot be allowed to enter the POTW.

SECTION 2. DEFINITIONS APPLICABLE

For the purposes of this ordinance, the words and phrases set out in this chapter shall have the meanings respectively ascribed to them.

Act or the Act

“Act” or “the Act” means the Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 USC 1251, et seq.

Agreement for Intergovernmental Cooperation Concerning Industrial Wastewater Pretreatment or Agreement

The “Agreement” provides a mechanism for handling the industrial pretreatment program enforcement and establishes the working relationship with the various towns, districts, the county and the City of Casper. The Agreement provides for the City of Casper to act with, or on behalf of the various entities in implementing the requirements of the industrial wastewater pretreatment program.

Approval Authority

“Approval authority” means the administrator of the United States Environmental Protection Agency or his designee.

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;
- 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.

Biochemical Oxygen Demand (BOD)

“Biochemical oxygen demand (BOD)” means the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five days at twenty degrees centigrade expressed in milligrams per liter.

Boiler Blowdown Wastewater

“Boiler blowdown wastewater” is the discharge of water with high concentrations of accumulated solids from boilers to prevent plugging of the boiler tubes and/or steam lines. In cooling towers, blowdown is discharged to reduce the concentration of dissolved salts in the recirculating cooling water. Clean “make-up” water is added to dilute the dissolved solids in the system. Blowdown also includes the discharge of condensate.

Building Drain

“Building drain” means that part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste, and other drainage pipes inside the walls of the building, and conveys it to the building sewer, being five feet (1.5 meters) outside the inner face of the building wall.

Building Sewer

“Building sewer” means the extension from the building drain to the public sewer or other place of disposal, also called the house connection.

Bypass

“Bypass” means the intentional diversion of wastestreams from any portion of an industrial user's pretreatment facility.

Categorical Standards

“Categorical standards” means the National Categorical Pretreatment Standards or Pretreatment Standard.

City

“City” means the governing body of the City of Casper, Wyoming, the Casper City Manager or his duly appointed representative acting in conjunction with or on behalf of the entity as per the agreement for intergovernmental cooperation concerning industrial wastewater pretreatment.

City Manager

“City Manager” means the Casper City Manager or his duly appointed representative.

Combined Sewer

“Combined sewer” means a sewer intended to receive both wastewater and storm or surface water.

Composite Sample

“Composite sample” means a sample that is collected over time, formed either by continuous sampling or by mixing discrete samples. The sample may be composited either as a time-composite sample; composed of discrete sample aliquots collected in one container at constant time intervals providing representative samples irrespective of effluent; or as a flow-proportional composite sample, collected either as a constant sample volume at time intervals proportional to effluent, or collected by increasing the volume of each aliquot as the flow increases while maintaining a constant time interval between the aliquots. At a minimum, four (4) grab samples shall be collected every two hours during normal operation.

Cooling Water

“Cooling water” means the water discharged from any use such as air conditioning, cooling or refrigeration, or to which the only pollutant added is heat.

County

“County” means the governing body of Natrona County.

Direct Discharge

“Direct discharge” means the discharge of treated or untreated wastewater directly to the waters of the state.

District

“District” means the governing body of a water and sewer district or an improvement and service district set up under Wyoming state statutes.

Domestic Wastewater

“Domestic wastewater” describes the liquid and water-carried wastes from residences, and the non regulated liquid and water-carried wastes from commercial buildings, industrial plants and institutions. All other wastewaters are considered non-domestic or industrial wastes.

Easement

“Easement” means an acquired legal right for the specific use of land owned by others.

Environmental Protection Agency or EPA

“Environmental Protection Agency” or “EPA” means the U.S. Environmental Protection Agency, or where appropriate, the term may also be used as a designation for the administrator or other duly authorized official of said agency.

Floatable Oil

“Floatable oil” means oil, fat, or grease in a physical state such that it will separate from wastewater by treatment in an approved pretreatment facility. A wastewater shall be considered free of floatable fat if it is properly pretreated and the wastewater does not interfere with the collection system.

Garbage

“Garbage” means the animal and vegetable waste resulting from the handling, preparation, cooking, and serving of foods.

Grab Sample

“Grab sample” means a sample which 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.

Holding Tank Waste

“Holding tank waste” means any waste from holding tanks such as vessels, chemical toilets, campers, trailers, septic tanks, and vacuum-pump tank trucks.

Indirect Discharge

“Indirect discharge” means the discharge or the introduction of non-domestic pollutants from any source regulated under Section 307(b) or (c) of the Act (33 USC 1317), into the POTW (including holding tank waste discharged into the system).

Industrial User

“Industrial user” means any person who introduces pollutants into a POTW from any non-domestic source regulated under the Act, state law, or local ordinance.

Industrial Wastes

“Industrial wastes” means the wastewater from industrial processes, trade, or business as distinct from domestic or sanitary wastes.

Interference

“Interference” means the inhibition or disruption of the POTW treatment processes or operations which contributes to a violation of any requirement of the City's NPDES permit. The term includes prevention of sewage sludge use or disposal by the POTW in accordance with Section 405 of the Act (33 USC 1345) or any criteria, guidelines, or regulations developed pursuant to the Solid Waste Disposal Act (SWDA), the Clean Air Act, the Toxic Substances Control Act, or more stringent state criteria (including those contained in any state sludge management plan prepared pursuant to Title IV of the SWDA) applicable to the method of disposal or use employed by the POTW.

National Categorical Pretreatment Standard or Pretreatment Standard

“National Categorical Pretreatment Standard” or “Pretreatment Standard” means any regulation containing pollutant discharge limits promulgated by the EPA in accordance with Section 307(b) and (c) of the Act (33 USC 1317) which applies to a specific category of industrial users.

National Pollutant Discharge Elimination System or NPDES Permit

“National Pollutant Discharge Elimination System or NPDES permit” means a permit issued pursuant to Section 402 of the Act (33 USC 1342).

National Prohibitive Discharge Standard or Prohibitive Discharge Standard

“National Prohibitive Discharge Standard” or “Prohibitive Discharge Standard” means any regulation developed under the authority of Section 307(b) of the Act and 40 CFR, Section 403.5.

Natural Outlet

“Natural outlet” means any outlet, including storm sewers and combined sewer overflows, into a watercourse, pond, ditch, lake, or other body of surface water or groundwater.

National Pretreatment Standard, Pretreatment Standard, or Standard

“National Pretreatment Standard” means any regulation containing pollutant discharge limits promulgated by the EPA in accordance with Section 307(b) and (c) of the Act (33 USC 1317), which applies to industrial users. This term includes prohibitive discharge limits established pursuant to 40 CFR, Part 403.5, or any revision thereto.

New Source

“New source” means:

- (1) 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 Act which will be applicable to such source if such standards are thereafter promulgated in accordance with that section, provided that:
 - (i) the building, structure, facility or installation is constructed at a site at which no other source is located; or
 - (ii) the building, structure, facility or installation totally replaces the process or production equipment that causes the discharge of pollutants at an existing source; or
 - (iii) the production or wastewater generating processes of the building, structure, facility or installation are 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.
- (2) Construction on a site at which an existing source is located results in a modification rather than a new source if the construction does not create a new building, structure, facility or installation meeting the criteria of paragraphs (1)(ii), or (1)(iii) of this definition but otherwise alters, replaces, or adds to existing process or production equipment.
- (3) Construction of a new source as defined under this definition has commenced if the owner or operator has:
 - (i) begun, or caused to begin as part of a continuous onsite construction program;
 - (A) any placement, assembly, or installation of facilities or equipment; or
 - (B) significant site preparation work including clearing, excavation, or removal of existing buildings, structures, or facilities which is necessary for the placement, assembly, or installation of new source facilities or equipment; or
 - (ii) entered into a binding contractual obligation for the purchase of facilities or equipment which are intended to be used in its operation within a reasonable time. Options to purchase or contracts which can be terminated or modified without substantial loss, and contracts for feasibility, engineering, and design studies do not constitute a contractual obligation under this definition.

Noncontact Cooling Water

“Noncontact cooling water” refers to water used for cooling which does not come into direct contact with any raw material, intermediate product, waste product, or finished product.

Non Significant Industrial User

“Non significant industrial user” shall refer to all other industrial users of the POTW not currently classified as significant industrial users as defined in this section.

Pass-Through

“Pass-through” means a discharge which exits the POTW into waters of the state in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, causes a violation of any requirement of the POTW's NPDES permit (including an increase in the magnitude or duration of a violation).

Person

“Person” means any individual, partnership, copartnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity or any other legal entity, or their legal representatives, agents, or assigns. The masculine gender shall include the feminine, the singular shall include the plural where indicated by the context.

pH

“pH” means the logarithm (base 10) of the reciprocal of the concentration of hydrogen ions expressed in grams per liter of solution.

Pollutant

“Pollutant” means any dredged spoil, solid wastes, incinerator residue, sewage, garbage, sewage sludge, munitions, chemical wastes, biological material, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt and industrial, municipal, and agricultural waste discharged into water.

Pollution

“Pollution” means the man-made or man-induced alteration of the chemical, physical, biological and radiological integrity of water.

POTW Treatment Plant

“POTW treatment plant” means that portion of the POTW designed to provide treatment to wastewater.

Pretreatment or Treatment

“Pretreatment” or “treatment” means 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 a POTW. The reduction or alteration can be obtained by physical, chemical or biological processes, or process changes by other means, except as prohibited by 40 CFR Section 403.6(d).

Pretreatment Program

The “Pretreatment Program” is the document developed in accordance with EPA guidance to demonstrate how the general pretreatment regulations of 40 CFR Part 403 will be implemented. The document is used to support and compliment the directives of this ordinance (wastewater).

Pretreatment Requirements

“Pretreatment requirements” means any substantive or procedural requirements related to pretreatment, other than a National Pretreatment Standard imposed on an industrial user.

Process Wastewater

“Process wastewater” means any water which, during manufacturing or processing, comes into direct contact with or results from the production of or use of any raw material, intermediate product, finished product, byproduct, or waste product.

Properly Shredded Garbage

“Properly shredded garbage” means the wastes from the preparation, cooking, and dispensing of food that have been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one-half inch (1.27 centimeters) in any dimension.

Publicly Owned Treatment Works (POTW)

“Publicly owned treatment works” means a wastewater treatment works owned by the City or other governmental agency or public utility. This definition includes any sewers that convey wastewater to the POTW treatment plant, but does not include pipes, sewers, or other conveyances not connected to a facility providing treatment. For the purposes of this ordinance, “POTW” shall also include any sewers that convey wastewaters to the POTW from other governmental agencies or persons outside the City who are, by contract or agreement with the City, users of the City’s POTW.

Public Sewer

“Public sewer” means a common sewer controlled by a governmental agency or public utility.

Regional Wastewater System Boundary

The “regional wastewater system boundary” shall be the area designated by the Town entities and approved by EPA as being served currently or in the future by public sewer.

Sanitary Sewer

“Sanitary sewer” means a sewer that carries liquid and water-carried wastes from residences, commercial buildings, industrial plants and institutions, together with minor quantities of groundwaters, stormwaters, and surface waters that are not admitted intentionally.

Severe Property Damage

“Severe property damage” means substantial physical damage to property, or damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.

Sewage

“Sewage” means the spent water of a community. The preferred term is “wastewater.”

Sewer

“Sewer” means a pipe or conduit that carries wastewater or drainage water.

Shall and May

“Shall” is mandatory. “May” is permissive.

Significant Industrial User

1. Except as provided in paragraph 2 below, the term “Significant industrial user” means any user of the POTW who:
 - A. Is subject to national categorical pretreatment standards;
 - B. Has a discharge flow of twenty-five thousand gallons or more per average work day of process wastewater to the POTW(excluding sanitary, noncontact cooling and boiler blowdown wastewater);
 - C. Contributes a process waste stream which makes up 5 percent or more of the average dry weather hydraulic or organic capacity of the POTW treatment plant;
 - D. Has in its wastes toxic pollutants as defined pursuant to Section 307 of the Act, or state statutes and rules; or
 - E. Is found by the Town, Wyoming Department of Environmental Quality, or the U.S. Environmental Protection Agency (EPA) to have significant impact, either singly or in combination with other contributing industries, on the wastewater treatment system, the quality of sludge, the system's effluent quality, or air emissions generated by the system.
2. Upon a finding that an industrial user meeting the criteria in paragraph 1, above, of this section has no reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement, the utility manager may at any time, on his own initiative or in response to a petition received from an industrial user, and in accordance with the section entitled wastewater discharge conditions, Article I, required when, Paragraph G, determine that such industrial user is not a significant industrial user.

Significant Noncompliance

“Significant noncompliance” means a violation(s) which:

- A. Occurs in sixty-six percent or more of the samples taken over a six-month period (any magnitude);
- B. Exceeds the technical review criteria (TRC) for the same discharge limit in thirty-three percent or more of the samples taken over a six-month period; TRC - 1.4 (40% exceedance) for BOD, TSS, fats, oils, and grease; TRC - 1.2 (20% exceedance) for all other pollutants;
- C. Causes, alone or in combination with other discharges, interference or pass-through, including endangering POTW personnel or the public;
- D. Endangers human health or the environment, or results in the POTW's exercise of its emergency power;
- E. A delay in meeting a compliance schedule milestone (failure to begin or complete construction, or attain final compliance) by ninety days or more;
- F. Failure to submit any required report within thirty days of the due date;
- G. Failure to report noncompliance; or
- H. Any other violation(s) which the POTW considers significant.

Slug

“Slug” means any discharge of water or wastewater which in concentration of any given constituent, or in quantity of flow, which will cause interference with or pass-through the system or exceeds a time limit for the discharge as set by the superintendent or City.

Standard Industrial Classification (SIC)

“Standard industrial classification” means a classification pursuant to the Standard Industrial Classification Manual issued by the Executive Office of the President, Office of Management and Budget, 1972.

State

“State” means the State of Wyoming.

Stormdrain or Storm Sewer

“Stormdrain” (sometimes termed “storm sewer”) means a drain or sewer for conveying water, groundwater, subsurface water, or unpolluted water from any source.

Stormwater

“Stormwater” means any flow of water occurring during or following any form of natural precipitation and resulting therefrom.

Superintendent

“Superintendent” means the head of the Town's department of utilities, or his duly appointed representative.

Total Suspended Solids

“Total suspended solids” means the total suspended matter that floats on the surface of, or is suspended in, water, wastewater or other liquids, and which is removable by laboratory filtering and expressed in milligrams per liter.

Town

“Town” means the governing body of the Town of Mills, Wyoming.

Toxic Pollutant

“Toxic pollutant” means any pollutant or combination of pollutants listed as toxic in regulations promulgated by the administrator of the Environmental Protection Agency under the provisions of CWA 307(a) or other acts.

Unpolluted Water

“Unpolluted water” means water of quality equal to or better than the effluent criteria in effect, or water that would not cause violation of receiving water quality standards, and would not be benefited by discharge to the sanitary sewers and wastewater treatment facilities provided.

User

“User” means any person who contributes, causes or permits the contribution of wastewater into the POTW.

Watercourse

“Watercourse” means a natural or artificial channel for the passage of water, either continuously or intermittently.

Waters of the State

“Waters of the state” means all streams, lakes, ponds, marshes, watercourses, waterways, wells, springs, reservoirs, 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.

Wastewater

“Wastewater” means the liquid and water-carried industrial or domestic wastes from dwellings, commercial buildings, industrial facilities, and institutions, together with what may be present, whether treated or untreated, which is contributed into or permitted to enter the POTW.

Wastewater Contribution Permit

“Wastewater contribution permit” means an authorization to permit a significant user to discharge wastewater into the POTW system.

Abbreviations

The following abbreviations shall have the designated meanings:

- A. “BOD” means biochemical oxygen demand;
- B. “CFR” means the Code of Federal Regulations;
- C. “COD” means chemical oxygen demand;
- C. “EPA” means the Environmental Protection Agency;
- D. “I.U.” MEANS INDUSTRIAL USER
- E. “l” means liter;
- F. “mg” means milligrams;
- G. “mg/l” means milligrams per liter;
- H. “NPDES” means National Pollutant Discharge Elimination Systems;
- I. “POTW” means publicly owned treatment works;
- J. “SIC” means standard industrial classification;
- K. “SWDA” means the Solid Waste Disposal Act, 42 USC 6901, et seq.;
- L. “TSS” means total suspended solids;
- M. “USC” means United States Code.

SECTION 3. USE OF PUBLIC SEWERS REQUIRED**Sections:**

- 3.1 Suitable Toilet Facilities And Public Sewer Connection Required
- 3.2 Disposal Of Wastewater - Restrictions
- 3.3 Discharge Of Wastewater - Conditions
- 3.4 Deposit Of Excrement - Prohibited

3.1 Suitable Toilet Facilities and Public Sewer Connection Required

The owner of all houses, buildings or properties used for human occupancy, employment, recreation or other purposes, situated within the Town and abutting on any street, alley or right-of-way in which there is now located or may in the future be located a public sanitary sewer of the Town, is required, at the owner's expense, to install suitable toilet facilities therein and to connect such facilities directly with the proper public sewer in accordance with the provisions of this ordinance, within ninety days after date of official notice to do so by the Town, provided that such public sewer is within three hundred feet (91 meters) of the property line by way of road rights-of-way and easements.

3.2 Disposal of wastewater—Restrictions

When public sanitary sewers within the regional wastewater system boundary are greater than three hundred feet (91 meters) from the property line, as measured by using road rights-of-way and easements, a temporary exception to construct a septic tank/leach field, or other facility intended or used for the disposal of wastewater may be granted by the Town and 201 Management Oversight Committee, depending upon a cost-effectiveness determination of providing sewer service.

3.3 Discharge of Wastewater—Conditions

It is unlawful to discharge to any natural outlet within the Town, or in any area under the jurisdiction of the Town, any wastewater or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this ordinance.

3.4 Deposit Of Excrement Prohibited.

It is unlawful for any person to discharge or permit to be discharged, on public or private property within the Town, or in any area under the jurisdiction of the Town, in a manner which causes a public nuisance or creates a health hazard, any human waste.

SECTION 4. SEWER CONSTRUCTION AND CONNECTIONS

Sections:

- 4.1 Standards and Specifications
- 4.2 Permit Required
- 4.3 Sewer Connection Requirements
- 4.4 Building Sewer Elevation
- 4.5 Old Building Sewers
- 4.6 Costs To Be Borne By Owner
- 4.7 Excavations
- 4.8 Inspection, Connection and Testing
- 4.9 Surface Runoff and Groundwater Connection to Public Sanitary Sewer Prohibited

4.1 Standards and Specifications

The size, slope, alignment, materials of construction of a building sewer, and the methods to be used in excavating, placing of the pipe, jointing, testing and backfilling the trench shall all conform to the requirements of the current Uniform Building and Plumbing Code or other applicable rules and regulations of the Town. In the absence of code provisions, or in amplification thereof, the materials and procedures set forth in appropriate specifications of the ASTM and WPCF Manual of Practice No. 9 shall apply.

4.2 Permit Required

No unauthorized person shall uncover, make any connections with or opening into, use, alter or disturb any public sewer or appurtenance thereof, without first obtaining a written permit from the superintendent.

4.3 Sewer Connection Requirements

The connection of the building sewer into the public sewer shall conform to the requirements of the current Uniform Building and Plumbing Code, or other applicable rules and regulations of the Town, or the procedures set forth in appropriate specifications of the ASTM and the WPCF Manual of Practice No. 9. All such connections shall be made gastight and watertight, and verified by proper testing. Any deviation from the prescribed procedures and materials must be approved by the superintendent before installation.

4.4 Building Sewer Elevation

Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building drain shall be lifted by an approved means and discharged to the building sewer.

4.5 Old Building Sewers

Old building sewers may be used in connection with new buildings only when they are found, on examination and test by the superintendent, to meet all requirements of this ordinance.

4.6 Costs to be Borne by Owner

All costs and expenses incidental to the installation and connection of the building sewer shall be borne by the owner. The owner shall indemnify the Town from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.

4.7 Excavations

All excavations for building sewer installation shall be adequately guarded with barricades and lights, in accordance with OSHA rules and regulations, so as to protect the public from hazard. Streets, sidewalks, parkways and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the Town and in compliance with current OSHA rules and regulations.

4.8 Inspection, Connection and Testing

The applicant for the building sewer permit shall notify the superintendent when the building sewer is ready for inspection and connection to the public sewer. The connection and testing shall be made under the supervision of the superintendent or his representative.

4.9 Surface Runoff and Groundwater Connection to Public Sanitary Sewer Prohibited

No person shall make connection of roof downspouts, foundation drains, areaway drains or other sources of surface runoff or unpolluted groundwater to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer.

SECTION 5. SEWER DISCHARGE REGULATIONS

Sections:

ARTICLE I. GENERAL SEWER USE REQUIREMENTS

- Federal Categorical Pretreatment Standards
- State Requirements to Apply When
- Specific Pollutant Limitations Designated - Local Limits
- Prohibited Substances Designated—General Prohibitions
- Discharge of Unpolluted Waters
- Increasing or Diluting Discharge to Avoid Proper Treatment Prohibited
- Tenant Responsibility
- Damaging or Tampering with Wastewater Facilities

ARTICLE II. PRETREATMENT OF WASTEWATER

- Pretreatment Conditions
- Grease, Oil and Sand Interceptors

ARTICLE I. GENERAL SEWER USE REQUIREMENTS

Federal Categorical Pretreatment Standards

Upon the promulgation of the Categorical Standard for a particular industrial subcategory, the Standard, if more stringent than limitations imposed under this ordinance for sources in that subcategory, shall immediately supersede the limitations imposed under this ordinance. The City shall notify all affected users of the applicable reporting requirements under 40 C.F.R., Section 403.12, as enacted or hereafter amended.

State Requirements to Apply When

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

Discharge of Unpolluted Waters

- A. No person shall discharge or cause to be discharged any unpolluted waters such as stormwater, groundwater, roof runoff, or subsurface drainage to any sanitary sewer.
- B. Stormwaters and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as storm sewers or to a natural outlet approved by the superintendent and other regulatory agencies. Unpolluted industrial cooling water may be discharged, on approval of the City, to a storm sewer or natural outlet.

Specific Pollutant Limitations Designated - Local Limits

- A. Maximum total allowable industrial loading that can be accepted at the POTW for treatment in accordance with guidance established by federal law will be adopted by Mills by resolution to reference the values established by the City of Casper.
- B. Any other specific pollutants identified by the City may also have specific effluent permit limitations set to restrict their discharge into the system.
- C. The above maximum allowable industrial loadings in pounds per day will be distributed using criteria established in Casper's report on the development of local limits under the pretreatment program, June 1994, and EPA Guidance Manual on the Development and Implementation of Local Discharge Limitations Under the Pretreatment Program, December, 1987 (as they now exist or as they are hereafter revised).
- D. Best Available Technology (BAT) shall be used for pretreatment of any discharges to the POTW from the cleanup activities of soil, aquifer, or groundwater table associated with leading underground storage tanks of spills of any petroleum products. The BAT shall be capable of reducing the benzene concentration to less than 0.05 mg/l and the "total" benzene, ethyl benzene, toluene and xylene (BETX) to less than 0.750 mg/l. This is in accordance with guidance established in EPA's Model NPDES Permit for Discharges resulting from the Cleanup of Gasoline Released from Underground Storage Tanks, June 1989.

Prohibited Substances Designated—General Prohibitions

- A. No user shall contribute or cause to be contributed, directly or indirectly, any pollutant or wastewater which will interfere with the operations or performance of the POTW. These general prohibitions apply to all such users of a POTW whether or not the user is subject to National Categorical Pretreatment Standards or any other, federal, state or local pretreatment standards or requirements. A user shall not contribute the following substances to the POTW:
 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 POTW or to the operation of the POTW, including, but not limited to, waste streams with closed cup flashpoint of less than one hundred forty degrees (140°) Fahrenheit (60° C), using test methods in 40 C.F.R. 261.21, as enacted or hereafter amended. At no time shall two successive readings on an explosion hazard meter, at the point of discharge into the POTW system (or at any point in the POTW system), be more than five percent, nor any single reading over ten percent 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 and sulfides and any other substances which the Town, 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: grease, garbage with particles greater than one-half inch in any dimension, 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, wastepaper, wood, plastics, tar, asphalt residues, residues from refining, or processing of fuel or lubricating oil, mud or glass grinding or polishing wastes;
 3. Petroleum based oil in sufficient enough amounts that cause pass-through or interference to the system, and in no cases, exceeding one hundred mg/l;
 4. Any wastewater having a pH less than 5.0 or greater than 12.0, 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;
 5. Any wastewater containing toxic pollutants in sufficient quantity, either singly or by interaction with other pollutants, to injure or interfere with any wastewater treatment process, constitute a hazard to humans or animals, result in toxic gases, vapors or fumes within the POTW in a quantity that may cause acute worker health and safety problems, create a toxic effect in the receiving waters of the POTW or to exceed the limitation set forth in a Categorical Standard. A toxic pollutant shall include but not be limited to any pollutant identified pursuant to Section 307 (a) of the Act;
 6. Any noxious or malodorous liquids, gases or solids which either singly 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 public sewers for maintenance and repair;
 7. Any substance which may cause the POTW's effluent or any other product of the POTW such as residues, sludges or scums to be unsuitable for reclamation and reuse or to interfere with the reclamation process. In no case shall a substance discharged to the POTW cause the POTW to be in noncompliance with sludge use or disposal criteria, guidelines or regulations developed under Section 405 of the Act; 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;
 8. Any substance which will cause the POTW to violate its NPDES and/or State Disposal System permit or the receiving water quality standards;
 9. Any wastewater with objectionable color which cannot be removed in the treatment process, such as, but not limited to, dye wastes and vegetable tanning solutions;
 10. Any wastewater having a temperature which will inhibit biological activity in the POTW treatment plant resulting in interference, but in no case wastewater with a temperature above sixty-five degrees (65^o) Celsius (150^o Fahrenheit) or a temperature that causes the POTW influent to exceed forty degrees Celsius (104^o Fahrenheit), unless the POTW treatment plant is designed to accommodate such temperature;
 11. 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 quantities of pollutants that exceed limits set by the City;
 12. Any wastewater containing any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the City in compliance with applicable state or federal regulations;
 13. Any wastewater which causes a hazard to human life or creates a public nuisance;
 14. Any discharge of trucked or hauled non-hazardous liquid wastes is prohibited except at discharge points designated by the POTW. Designation points shall be pursuant to rules and regulations of the City.
 15. Any wastewater that causes the influent to the POTW to exceed the maximum allowable industrial loadings specified in the Specific Pollutants Limitation-Local Limits Section.
- B. When the City determines that a user is contributing to the POTW any of the substances listed in subdivisions 1 through 15 of subsection A of this section in such amounts as to interfere with the operation of the POTW, the City shall:
1. Advise the user of the impact of the contribution on the POTW; and

2. Develop effluent limitation for such user to correct the interference with the POTW; provided, however, nothing contained herein shall be interpreted to prohibit the City or superintendent from taking immediate enforcement action against a user who is contributing in violation of this chapter.

Increasing or Diluting Discharge to Avoid Proper Treatment Prohibited

No user shall 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 Categorical Standard, or in any other pollutant-specific limitation developed for the industrial user.

Tenant Responsibility

Where an owner of property leases premises to any other person as a tenant under any rental or lease agreement, if either the owner or the tenant is an industrial user, either or both may be held responsible for compliance with the provisions of this ordinance.

Damaging or Tampering with Wastewater Facilities

Any person who maliciously, willfully or negligently breaks, damages, destroys, uncovers, defaces or tampers with any structure, appurtenance or equipment which is a part of the wastewater facilities is guilty of a misdemeanor and subject to punishment pursuant to chapter 1.28 of the Casper municipal code.

ARTICLE II. PRETREATMENT OF WASTEWATER

Pretreatment Conditions

- A. Users shall provide and maintain in a safe and proper manner, at their own expense, necessary wastewater treatment as required to comply with this ordinance and shall achieve compliance with all categorical standards and additional standards required by this ordinance within the time limitations as specified by the federal pretreatment regulations. Any facilities required to pretreat wastewater to an acceptable level 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 City for review, and shall be acceptable to the City 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 under the provisions of this ordinance. Any subsequent changes in the pretreatment facilities or method of operation shall be reported to and be acceptable to the City prior to the user's initiation of the changes.
- B. All records relating to compliance with pretreatment standards shall be made available to officials of the EPA, state, or Town, upon request. These records shall remain available for a period of at least five years after their collection. This period shall be extended during any litigation concerning compliance with this ordinance or permit conditions.

Grease, Oil and Sand Interceptors

Grease, oil and sand interceptors shall be provided or modified when, in the opinion of the superintendent or the City, they are necessary for the proper handling of liquid wastes containing floatable grease in excessive amounts or any flammable wastes, sand or other harmful ingredients, except that such interceptors shall not be required for private living quarters or dwelling units. Modifications to existing interceptors may be required when violations of this ordinance exist. All interceptors shall be of a type and capacity approved by the superintendent or City and shall be located as to be readily and easily accessible for cleaning and inspection. In the maintaining of these interceptors the owner shall be responsible for the proper removal and disposal by appropriate means of the captured material and shall maintain records of the dates and means of disposal, which are subject to review by the superintendent or City. Any removal and hauling of the collected materials not performed by owner's personnel must be performed by waste disposal firms.

The Town may establish guidelines, if determined to be in the best interest of the POTW, to identify and regulate potential dischargers of excessive floatable grease, flammable waste, sand or other harmful ingredients, who, in the opinion of the City:

- (i) may not have an interceptor; or
- (ii) may not have an interceptor of a type or capacity to properly handle the waste generated by the facility; or

- (iii) may not be properly maintaining the interceptor on a schedule which reduces the discharge into the POTW to an amount which does not interfere with the system.

SECTION 6. WASTEWATER DISCHARGE CONDITIONS

Sections:

ARTICLE I. WASTEWATER CONTRIBUTION PERMITS

- Required When
- Application—Contents—Issuance Procedure
- Conditions and Contents
- Term—Modification Procedure
- National Categorical Pretreatment Standard—Compliance Required
- Reassignment, Transfer And Sale Conditions

ARTICLE II. DISCHARGE CONDITIONS & REPORTING REQUIREMENTS

- Basis for Effluent Limitations
- Compliance—Initial Report
- Compliance—Periodic Report
- Notice of Change in Discharge
- Reports from Nonsignificant Industrial Users
- Confidentiality—Conditions
- Automatic Resampling
- Timing
- Accidental Discharge—Protection Required—Notification
- Accidental Discharge—Report Required
- Accidental Discharge—Notice To Employees
- Accidental Spill Or Slug Control Plans

ARTICLE III. COMPLIANCE MONITORING

- Monitoring Facilities
- Inspection and Sampling
- Sample Collection
- Determination of Noncompliance

ARTICLE I. WASTEWATER CONTRIBUTION PERMITS

Required When

All significant users connected or contributing wastewater to the POTW shall obtain a wastewater contribution permit before connecting to or contributing wastewater to the POTW. All existing significant users connected to or contributing to the POTW shall obtain a wastewater contribution permit within one hundred eighty days after the effective date of the ordinance codified in this title.

- A. The following industrial users are required to apply for a wastewater contribution permit:
 - 1. Any significant industrial user;
 - 2. Any user required by federal or state pretreatment requirements to obtain a permit; AND,
 - 3. Any other user directed by the POTW to apply for a permit.
- B. Existing users required to obtain a permit by subsection A of this section must apply for a wastewater contribution permit within ninety days of the effective date of the ordinance codified in this section.
- C. New sources required to obtain a permit by subsection A of this section must apply for and receive a wastewater contribution permit prior to discharging pollutants into the POTW.

- D. Any user not required to obtain a permit for existing discharges must apply for and receive a wastewater contribution permit prior to changing the user's discharge in such a manner that the resulting discharge would require a permit.
- E. A user must reapply for a permit:
 - 1. Whenever the mass loading of pollutants contained in the permitted discharge exceeds the average daily quantity applied for by greater than ten percent; and/or
 - 2. Prior to any new introduction of pollutants or any substantial change in the volume or character of pollutants introduced into the POTW.
- F. A user may reapply for a wastewater contribution permit whenever the user believes that some of the permit requirements no longer apply.
- G. On a yearly basis, the City shall review and update the list of significant industrial users, and shall notify or remind them of their status and requirements. This list shall identify the criteria used to determine their status and wastewater contribution permit requirements and shall also indicate whether the City has made a determination that any such industrial users should not be considered a significant industrial user. This list, and any subsequent modifications thereto, shall be submitted to the approval authority as a nonsubstantial program modification. Discretionary designations or de-designations by the City shall be deemed to be approved by the approval authority ninety days after submission of the list of modifications thereto, unless the approval authority determines that a modification is in fact a substantial modification as described in 40 CFR 403.18.

Application—Contents—Issuance Procedure

- A. At least ninety days prior to commencement of discharge, new sources and sources that become I.U.s subsequent to the promulgation of an applicable categorical, standard, or industrial users identified in the above Section, shall be required to file with the City an application, in the form prescribed by the City or City Manager, which shall be accompanied by a fee as set by resolution. New sources shall give estimates of the information requested if applicable. In support of the application, the user shall submit, in units and terms appropriate for evaluation, the following information:
 - 1. Name, address and location of the facility at which wastewater is generated (if different from the address);
 - 2. SIC number according to the Standard Industrial Classification Manual, Bureau of the Budget, 1972, as amended;
 - 3. Wastewater constituents and characteristics including, but not limited to, those mentioned as Specific Pollutant Limitations-Local Limits Section, 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(Hg) of the Act and contained in 40 C.F.R., Part 136, as amended;
 - 4. Time and duration of contribution;
 - 5. Average daily, and maximum daily peak wastewater flow rates, including daily, monthly and seasonal variations, if any, from each of the following:
 - a. Regulated process streams,
 - b. Other streams as necessary to allow the use of the combined wastestream formula of 40 C.F.R., Section 403.6(e);
 Verifiable estimates of these flows may be allowed where justified by cost or feasibility;
 - 6. Site plans, floor plans, mechanical and plumbing plans, and details to show all sewers, sewer connections, and appurtenances by the size, location and elevation;
 - 7. Description of activities, facilities, and plant processes on the premises including all materials which are or could be discharged;
 - 8. The categorical industrial user shall identify the pretreatment standards applicable to each regulated process. The categorical industrial user shall submit the results of sampling and analysis identifying the nature and concentration of regulated pollutants in the discharge from each regulated process. Both daily maximum and average concentration shall be reported. The sample shall be representative of daily operations and at a minimum shall include the following:
 - a. A minimum of four grab samples must be used for pH, cyanide, total phenols, oil and grease, sulfide, hexavalent chromium and volatile organics. For all other pollutants, twenty-four-hour composite samples must be obtained through flow-proportional composite sampling techniques

- where feasible. The POTW may waive flow-proportional composite sampling for any industrial user that demonstrates that flow-proportional sampling is infeasible. In such cases, samples may be obtained through time-proportional composite sampling techniques or through a minimum of four grab samples, over the normal workday operation, where the user demonstrates that this will provide a representative sample of the effluent being discharged,
- b. The user shall take a minimum of one representative sample to compile that data necessary to comply with the requirements of this subparagraph,
 - c. Samples should be taken immediately downstream from pretreatment facilities if such exist or immediately downstream from the regulated process if no pretreatment exists. If other wastewaters are mixed with the regulated waste water prior to pretreatment, the user should measure the flows and concentrations necessary to allow use of the combined waste stream formula of 40 C.F.R. Section 403.6(e); in order to evaluate compliance with the pretreatment standards. Where an alternate concentration or mass limit has been calculated in accordance with 40 C.F.R. Section 403.6(e) this adjusted limit along with supporting data shall be submitted to the POTW,
 - d. Sampling and analysis shall be performed in accordance with the techniques prescribed in 40 C.F.R., Part 136, and amendments thereto. Where 40 C.F.R., Part 136 does not contain sampling or analytical techniques for the pollutant in question, or where the approval authority determines that the Part 136 sampling and analytical techniques are inappropriate for the pollutant in question, sampling and analysis shall be performed by using validated analytical methods or any other applicable sampling and analytical procedures, including procedures suggested by the POTW or other parties, approved by the approval authority,
 - e. The POTW may allow the submission of a baseline report which utilizes only historical data so long as the data provides information sufficient to determine the need for industrial pretreatment measures,
 - f. The report shall indicate the time, date, and place of sampling, and methods of analysis, and shall certify that such sampling and analysis is representative of normal work cycles and expected pollutant discharges to the POTW;
9. If additional pretreatment and/or operation and maintenance (O&M) will be required to meet the categorical standards, comply with this chapter, or permit requirement, the shortest schedule by which the user will provide such additional pretreatment. The scheduled completion date shall not be later than the compliance date established for the applicable categorical standard. The following conditions shall apply to this schedule:
- a. 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 required for the user to meet the applicable categorical standards (e.g., hiring an engineer, completing preliminary plans, completing final plans, executing contract for major components, commencing construction, completing construction, etc.),
 - b. No increment referred to in paragraph (a) of this subdivision shall exceed nine months,
 - c. Not later than fourteen days following each date in the schedule and the final date for compliance, the user shall submit a progress report to the City including as a minimum, whether or not it complied with the increment of progress to be met on such date and, if not, the date on which it expects to comply with this increment of progress, the reason for delay, and the steps being taken by the user to return to the schedule established. In no event shall more than nine months elapse between such progress reports to the City;
10. Each product produced by type, amount, process or processes, and rate of production;
 11. Type and amount of raw materials processed (average and maximum per day);
 12. Number and type of employees, and hours of operation of plant and proposed or actual hours of operation of pretreatment system;
 13. A listing of any toxic pollutant which the applicant uses or manufactures as an intermediate or final product or byproduct;
 14. Signature of an authorized representative of the user and certified to by a qualified professional indicating whether pretreatment standards are being met on a consistent basis and, if not, whether additional operation and maintenance and additional pretreatment is required;

15. A list of any environmental control permits by or for the facility;
16. Any other information as may be deemed by the City to be necessary to evaluate the permit application.

Conditions and Contents

Wastewater discharge permits shall be expressly subject to all provisions of this ordinance and all other applicable regulations, user charges and fees established by the City. Permits 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 rates 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 schedules;
- 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 City and affording the City access thereto;
- I. Requirements for notification of the City 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, spills or violations;
- K. Requirements for installation, operation and maintenance of pollution control equipment;
- L. Statement of applicable civil and criminal penalties for violations of pretreatment standards or other noncompliance violations;
- M. Other conditions as deemed appropriate by the City to ensure compliance with this ordinance.

Term—Modification Procedure

A permit may be issued for a period less than a year or may be stated to expire on a specific date, but in no case to exceed five years. The user shall apply for permit reissuance a minimum of ninety 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 City, after consultation with the Town, during the term of the permit as limitations or requirements as identified in the Sewer Discharge Regulations Section are modified or other just cause exists. The user shall be informed of any proposed changes in his permit at least thirty days prior to the effective date of change. Any changes or new conditions in the permit shall include a reasonable time schedule for compliance. Wastewater contribution permits shall be voidable upon nonuse, cessation of operations, or transfer of business ownership. All wastewater contribution permits are void upon the issuance of a new wastewater contribution permit.

National Categorical Pretreatment Standard—Compliance Required

Within nine months of the promulgation of a National Categorical Pretreatment Standard, the wastewater contribution permit of users subject to such standards shall be revised to require compliance with such standard within the time frame prescribed by such standard. A user, not previously subject to a National Categorical Pretreatment Standard, who has not previously submitted an application for a wastewater contribution permit as required by the Section on "Required When" shall apply for a wastewater contribution permit within one hundred eighty days after the promulgation of the applicable National Categorical Pretreatment Standard. In addition, the user with an existing wastewater contribution permit shall submit to the City within one hundred eighty days after the promulgation of an applicable Categorical Pretreatment Standard the information required by the Section on Application-Contents-Issuance Procedure.

Reassignment, Transfer and Sale Conditions

Wastewater contribution permits are issued to a specific user for a specific operation. A wastewater contribution permit 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 City after consultation with the Town in whose boundary the user is located. Any succeeding owner or user shall also comply with the terms and conditions of the existing permit.

ARTICLE II. DISCHARGE CONDITIONS & REPORTING REQUIREMENTS

Basis for Effluent Limitations

- A. Effluent limitations shall be based upon the more stringent of the following:
1. National categorical pretreatment standards;
 2. State pretreatment requirements; or
 3. Local limitations calculated by mass balance or other valid scientific methods necessary to protect the POTW from materials described in the sewer discharge regulations Section B., the Basis for Effluent Limitations will be reviewed as part of the NPDES permit application (every five years).

Compliance—Initial Report

- A. Within ninety days following the date for final compliance with applicable categorical standards or, in the case of a new source, following commencement of the introduction of wastewater into the POTW, any user subject to categorical standards and requirements shall submit to the City a report indicating the nature and concentration of all pollutants in the discharge from the regulated process which are limited by categorical standards and requirements and the average and maximum daily flow for these process units in the user facility which are limited by such categorical standards or requirements. The report shall state whether the applicable categorical standards or requirements are being met on a consistent basis and, if not, what additional operation and maintenance (O&M) and/or pretreatment is necessary to bring the user into compliance with the applicable categorical standards and requirements. This statement shall be signed by an authorized representative of the industrial user and certified to by a professional engineer.
- B. Industrial users shall immediately notify the City and as soon as possible thereafter the EPA regional waste management ordinance manager, and state hazardous waste authorities in writing of any discharge into the POTW of a substance which, if otherwise disposed of, would be a hazardous waste under 40 CFR, Part 261, as enacted or hereafter amended, or any applicable federal regulations. The notification requirement in this paragraph does not apply to pollutants already reported under the self-monitoring requirements of the industrial users contribution permit.

Compliance—Periodic Report

- A. Any user subject to a categorical 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 City during the months of June and December, unless required more frequently in the pretreatment standard or by the City, a report indicating the nature and concentration of pollutants in the effluent which are limited by such pretreatment standards or permits. In addition, this report shall include a record of all daily flows which during the reporting period exceeded the average daily flow allowed in the wastewater contribution permit. At the discretion of the City and in consideration of such factors as high or low flow rates, holidays, budget cycles, etc., the City may agree to alter the months during which the above reports are to be submitted.
- B. The City may impose mass limitations on users which are using dilution to meet applicable pretreatment standards or requirements, or in other cases where the imposition of mass limitations are appropriate. In such cases, the report required by subsection A 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 City, of pollutants contained therein which are limited by the applicable pretreatment standards. All analysis shall be performed in accordance with procedures established by the approval authority pursuant to Section 304(h) of the Act and contained in 40 CFR, Part 136, and amendments thereto or with any other test procedures approved by the approval authority. Sampling shall

be performed in accordance with the techniques approved by the approval authority. 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, April, 1977, and amendments thereto, or with any other sampling and analytical procedures approved by the approval authority.

Notice of Change in Discharge

All permitted industrial users shall notify the POTW in writing within 45 days of when their discharge changes significantly. A significant change shall include changes to the pollutant concentration levels, discharges of previously unreported pollutants, or flow increases of ten percent (10%) or greater.

Reports from Non Categorical Industrial Users

All industrial users not subject to categorical pretreatment standards shall provide appropriate reports to the POTW as the City may require.

Confidentiality—Conditions

- A. 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 City that the release of such information would divulge information, processes or methods of production entitled to protection as trade secrets of the user.
- B. When 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 to any person unless required under applicable state law. Wastewater constituents and characteristics will not be recognized as confidential information.
- C. Information accepted by the City as confidential shall not be transmitted to any governmental agency or to the general public, except as provided by Wyoming law.

Automatic Resampling

If the results of the industrial user's wastewater analysis indicate a violation has occurred, the user must notify the POTW within twenty-four hours of becoming aware of the violation and repeat the sampling and pollutant analysis and submit, in writing, the results of this repeat analysis within thirty days after becoming aware of the violation.

Timing

Written reports required by the industrial user's wastewater contribution permit will be deemed to have been submitted to the POTW on the date postmarked if mailed via u.s. mail, postage prepaid. If not mailed as set forth, then the date of receipt of the report at the POTW shall govern.

Accidental discharge—Protection Required—Notification

- A. Each permitted industrial user shall provide protection from accidental discharge of prohibited materials or other substances regulated by this ordinance. Facilities to prevent accidental discharge of prohibited materials shall be provided and maintained at the owner or user's own cost and expense. Detailed plans showing facilities and operation procedures to provide this protection shall be submitted for review, and shall be approved by the City before construction of the facility. No user who commences contribution to the POTW after the effective date of the ordinance codified in this ordinance shall be permitted to introduce pollutants into the system until accidental discharge procedures have been approved. 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 this ordinance.
- B. In the case of an accidental discharge, it is the responsibility of the user to immediately telephone and notify the Town and POTW of the incident. The notification shall include location of discharge, type of waste, concentration and volume, and corrective actions.

Accidental Discharge—Report Required

Within five days following an accidental discharge, the permitted industrial user shall submit to the City 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 POTW, 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 ordinance or other applicable law.

Accidental Discharge—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 an accidental discharge. Employers shall ensure that all employees who may cause or suffer such an accidental discharge to occur are advised of the emergency notification procedure.

Accidental Spill or Slug Control Plans

- A. Industrial users that store hazardous substances shall not contribute to the POTW after the effective date of the ordinance codified in this section unless a spill prevention plan has been approved by the City. Approval of such plans shall not relieve the industrial user from complying with all other laws and regulations governing the use, storage, and transportation of hazardous substances.
- B. At least once every two years, the City must evaluate whether each significant industrial user needs a slug control plan to control slug discharges as defined in the Definitions and Abbreviations Section of this ordinance. The plan shall contain at least the following elements:
 1. Description of discharge practices, including nonroutine batch discharge;
 2. Description of stored chemicals;
 3. Procedures for promptly notifying the POTW of slug discharges, including any discharge that would violate a specific prohibition of this section with procedures for follow-up written notification within five days;
 4. If necessary, procedures to prevent adverse impacts from accidental spills, including inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site runoff, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants (including solvents), and/or measures and equipment for emergency response; and
 5. If necessary, follow-up practices to limit the damage suffered by the treatment plant or the environment.

ARTICLE III. COMPLIANCE MONITORING

Monitoring Facilities

- A. The City requires that monitoring facilities be provided and operated at the user's expense, to allow inspection, sampling, and flow measurement of the building sewer and/or internal drainage systems. The monitoring facility shall normally be situated on the user's premises, but the Town, after consultation with the City, 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 and located so that it will be accessible by the Town.
- B. 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.
- C. Whether constructed on public or private property, the sampling and monitoring facilities shall be provided in accordance with all applicable local construction standards and specifications. Construction shall be completed within ninety days following written notification by the City or Town.

Inspection and Sampling

The City shall inspect the facilities of any user to ascertain whether the purpose of this ordinance is being met and all requirements are being complied with. Persons or occupants of premises where wastewater is created or discharged shall allow the City, Town, or its representatives, upon showing proper identification, ready access at all reasonable times to all parts of the premises for the purposes of inspection, sampling, records examination and copying, or in the performance of any of their duties. The City, superintendent, and/or EPA 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 City, Town, and/or EPA will be permitted to enter, without delay, for the purposes of performing their specific responsibilities.

Sample Collection

- A. Except as indicated in section b, below, the industrial user must collect wastewater samples using flow proportional composite collection techniques. In the event flow proportional sampling is unfeasible, the City may authorize the use of time proportional sampling or through a minimum of four (4) grab samples during the operating period of the facility where the user demonstrates that this will provide a representative sample of the effluent being discharged. In addition, grab samples may be required to show compliance with instantaneous discharge limits.
- B. Samples for oil and grease, temperature, pH, chromium vi, cyanide, phenols, toxicity, sulfides, and volatile organic chemicals must be obtained using grab collection techniques or as amended hereafter by EPA.

Determination of Noncompliance

The City may use a grab sample(s) to determine noncompliance with pretreatment standards or wastewater contribution permit effluent limitations.

SECTION 7. COST RECOVERY FEES AND CHARGES

Sections:

- 7.1 Purpose
- 7.2 Operation and Maintenance Cost Determination Authority
- 7.3 Wastewater Contribution Percentage Determination Method
- 7.4 Surcharge Rate Determination Method
- 7.5 Wastewater Service Charge Determination Method
- 7.6 Rates and Charges—Notification to User
- 7.7 Wastewater Service Charge—Review and Adjustment
- 7.8 Wastewater Service Charge—Payment and Late Charge Penalty
- 7.9 Wastewater Facilities Replacement Fund

7.1 Purpose.

- A. It is the purpose of this title to provide for the recovery of costs established through a resolution established by the Casper City Council from users of the POTW for the implementation of the program established herein, which may include:
 - 1. Fees for reimbursement of costs of setting up and operating the pretreatment program;
 - 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 POTW) of pollutants otherwise subject to Categorical Standard;
 - 7. Fees to control excessive amounts of floatable grease, sand or other harmful ingredients not properly removed by existing interceptors or handling procedures may be imposed by the Town.
 - 8. Other fees as the City may deem necessary to carry out the requirements contained herein.

- B. These fees relate solely to the matters covered by this chapter and are separate from all other fees chargeable by the Town.

7.2 Operation And Maintenance Cost Determination Authority

The Town shall determine the total annual costs of operation and maintenance of the wastewater systems which are necessary to maintain the capacity and performance, during the service life of the treatment works, for which such works were designed and constructed. The total annual cost of operation and maintenance shall include, but need not be limited to, labor, repairs, equipment replacement, maintenance, necessary modifications, power, sampling, laboratory tests and a reasonable contingency fund.

7.3 Wastewater Contribution Percentage Determination Method

- A. The Town shall determine for each user or user class the average daily volume of wastewater discharged to the wastewater system, which shall then be divided by the average daily volume of all wastewater discharged to the wastewater system to determine such user's volume contribution percentage. The amount used as the total average daily volume of wastewater shall exclude infiltration and inflow.
- B. The Town shall determine for each user or user class the average daily poundage of five-day, twenty degree centigrade biochemical demand (BOD) discharged to the wastewater system, which shall then be divided by the average daily poundage of all five-day BOD discharged to the wastewater system to determine such user's BOD contribution percentage.
- C. The Town shall determine for each user or user class the average daily total suspended solids (TSS) poundage discharged to the wastewater system which shall then be divided by the average daily poundage of all TSS discharged to the wastewater system, to determine such user's TSS contribution percentage. The volume contribution percentage, BOD contribution percentage and TSS contribution percentage for each user or user class shall be multiplied by the annual operation and maintenance costs for wastewater treatment of the total volume flow, total five-day twenty degree centigrade BOD and total TSS, respectively.

7.4 Surcharge Rate Determination Method

The Town will assess a surcharge rate for all nonresidential users discharging wastes with BOD and TSS strengths greater than the average residential user. Such users will be assessed a surcharge sufficient to cover the cost of treating their above-normal strength wastes. Normal strength wastes are considered to be two hundred parts per million BOD and two hundred fifty parts per million TSS. The surcharge rate structure for such above-normal strength waste dischargers is set out by resolution.

7.5 Wastewater Service Charge Determination Method

Each nonresidential user's wastewater treatment cost contributions as determined in the above Sections shall be added together to determine each user's annual wastewater service charge. Residential users may be considered to be one class of user and an equitable service charge may be determined for each user based on an estimate of the total wastewater contribution of this class of user. The City Council, Town Council, district board or board of county commissioners may classify industrial, commercial and other nonresidential establishments as a residential user; provided that the wastes from these establishments are equivalent to the wastes from the average residential user with respect to volume, total suspended solids and BOD. Each user's wastewater treatment cost contribution will be assessed in accordance with the rate schedule set out by resolution.

7.6 Rates And Charges—Notification to User

Each user will be notified at least annually, in conjunction with a regular bill, of the rate and that portion of the user charges which are attributable to wastewater treatment services.

7.7 Wastewater Service Charge—Review and Adjustment

The Town shall review the total annual cost of operation and maintenance as well as each user's wastewater contribution percentage not less often than every year and will revise the system as necessary to assure equity of the service charge system established herein and to assure that sufficient funds are obtained to adequately operate and maintain the wastewater treatment works. The Town shall apply excess revenues collected from a class of users to the costs of operation and maintenance attributable to that class for the next year and adjust the rate accordingly. If a significant user, such as an industry, has completed in-plant modifications which would change that user's wastewater contribution percentage, the user can present, at a regularly scheduled meeting of the governing body, such factual information and the Town shall then determine if the user's wastewater contribution percentage is to be changed. The City shall notify the user of its findings as soon as possible.

7.8 Wastewater Service Charge—Payment and Late Charge Penalty

The City shall submit a monthly or bimonthly statement to the user for the user's wastewater service charge. The City shall add a penalty of one and one-half percent per month if the payment is not received by the Town within thirty days. Should any user fail to pay the user wastewater service charge and penalty within two months of the due date, the Town may terminate wastewater service to the property.

7.9 Wastewater Facilities Replacement Fund

A reserve fund called the wastewater facilities replacement fund is established within the City's funds for the purpose of providing sufficient moneys to be expended for obtaining and installing equipment, accessories and appurtenances during the useful life of the wastewater treatment facilities necessary to maintain the capacity performance for which such facilities are designed and constructed. (See Appendix C attached to Ord. 42-84.)

SECTION 8. VIOLATIONS AND ENFORCEMENT

Sections:

ARTICLE I. ADMINISTRATIVE ENFORCEMENT

- Dangerous Wastewater Contributions
- Revocation Conditions
- Complaint—Notice of Violation
- Issuance of Order
- Hearings
- Final Corrective Order
- Administrative Fines and Cost Recovery

ARTICLE II. JUDICIAL ENFORCEMENT

- Falsifying Information
- Injunctive Relief
- Civil Penalties
- Criminal Penalties

ARTICLE III. AFFIRMATIVE DEFENSES TO DISCHARGE VIOLATIONS

- Bypass
- Operating Upsets

ARTICLE I. ADMINISTRATIVE ENFORCEMENT

Dangerous Wastewater Contributions

- A. The superintendent or City, after consultation with the superintendent, if appropriate, may suspend the wastewater treatment service and/or wastewater contribution permit when such suspension is necessary, in the opinion of the superintendent or City, 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, to the environment, causes interference to the POTW, or causes the violation of any condition of the NPDES permit. Notice of the action taken in accordance with this paragraph shall be sent to the user, (as described in definitions), by letter sent certified mail, return receipt requested, or, at the election of the superintendent or City, by facsimile transmission, to the address at which the billing for the service is sent. The Town shall receive a copy of the notice of the action taken if the user is within their boundary.

- B. Any user notified of a suspension of the wastewater treatment service and/or the wastewater contribution 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 superintendent or City, after consultation with the superintendent, if appropriate, shall take such steps as deemed necessary including immediate severance of the water and/or sewer connection, to prevent or minimize damage to the POTW system or endangerment to any individuals. The City, after consultation with the superintendent, if appropriate, shall reinstate the wastewater contribution permit and/or the wastewater treatment service upon proof of the elimination of the noncomplying discharge. A detailed written statement by the user describing the cause of the harmful contribution and the measures taken to prevent any future harmful contribution and the measures taken to prevent any future occurrence shall be submitted to the superintendent or City within fifteen days of the date of occurrence. Said written statement shall be in form and content acceptable to the superintendent or City. Failure to comply with this requirement shall constitute a violation and cause for revocation of the wastewater contribution permit under the succeeding paragraph.

Revocation Conditions

Any user who violates the following conditions of this ordinance or applicable state and federal regulations is subject to having his wastewater contribution permit revoked in accordance with the procedures of this section:

- A. A user has knowingly made a material misrepresentation of content or has falsified information or records submitted or retained in accordance with this ordinance or in connection with the wastewater contribution permit issued pursuant to this ordinance;
- B. Failure of a user to factually report the wastewater constituents and characteristics of his discharge;
- C. Failure of the user to report significant changes in operations, or wastewater constituents and characteristics;
- D. Refusal of access to the user's premises for the purpose of inspection or monitoring;
- E. Violation of conditions of the permit;
- F. A user has discharged into the POTW in violation of this ordinance; or
- G. Changed circumstance(s) require a temporary or permanent reduction or elimination of the permitted discharge.

Complaint—Notice of Violation Issuance

- A. The superintendent or City shall issue a written or oral notice of violation to the user if there are reasonable grounds that the person to whom the complaint is directed has violated:
 - 1. This ordinance;
 - 2. Any rule or regulation adopted under this ordinance; or
 - 3. Any order or permit issued under this ordinance.
- B. Contents. A notice issued under this section shall:
 - 1. Specify the provision that allegedly has been violated; and
 - 2. State the alleged facts that constitute the violation.
 - 3. Shall be sent to a user, (as described in definitions), by letter sent certified mail, return receipt requested, or, at the election of the superintendent or City, by facsimile transmission, to the address at which the billing for the service is sent.
- C. Upon receipt of this notice, the entity or user to whom it was directed, may within five days, request an informal hearing before the superintendent or City (whichever is appropriate). This hearing shall be for the purpose of attempting to clarify and resolve the issues and/or establish appropriate compliance time limits and scheduling.
- D. The Town shall receive a copy of the notice of violation if the user is within their boundaries.

Issuance of Order

- A. In General. After or concurrently with service of a notice of violation under this chapter, or if circumstances justify without first issuing a notice of violation, the City, after consultation with the superintendent, if appropriate, may issue an order that:
1. Shall define the violation alleged to have occurred, with reference to the section of this ordinance upon which the violation is based and specify the time, insofar as is reasonably known, and location of the violation;
 2. Requires the person to whom the order is directed to take corrective action within a time set in the order; and/or
 3. Requires the person to whom the order is directed to file a written report confirming or denying the specific alleged violation, and if admitted, the remedial measures taken to correct the alleged violation; and/or
 4. Requires the person to whom the order is directed:
 - a. To appear at an informal hearing before the City at a time and place scheduled in order to answer the charges in the complaint, and/or
 - b. To file a written report confirming or denying the specific alleged violation, and if admitted, the remedial measures taken to correct the violation and also appear at an informal hearing before the City at a time and place set to answer the charges in the complaint; and/or
 5. Requires the person to whom the order is directed to cease and desist the alleged violations; and/or
 6. Advises the person that, upon notice and hearing and issuance of subsequent order, he may be subject to the payment of an administrative fine set forth in the Section on Administrative Fines and Cost Recovery.
- B. Effective date of order. Any order issued under this ordinance is effective immediately, according to its terms, when it is served by certified mail, return receipt requested.
- C. An order issued by the City, after the hearing provided for in subsection a(4) and a(6), if applicable, may be appealed to the City Council in care of the City Manager by filing an appeal within ten days of the receipt of the City's order. Any order not appealed is final, and may be enforced pursuant to law.
- D. The town in whose boundary the user is located shall receive a copy of the order.

Hearings

- A. Hearing on City's order. Within ten days of being served with an order, the person served may request a hearing by writing to the City Council in care of the City Manager.
- B. Upon the filing of the request for hearing, the City Council shall fix a reasonable time and place for the hearing of the appeal, such date shall not be less than ten nor more than sixty days from the date the request for hearing is filed. The hearing will take place in the town in whose boundary the user is located. Written notice of the time and place of the hearing shall be given at least ten days prior to the date of the hearing to the contestant by the City Manager, either by causing a copy of such notice to be delivered to the contestant personally, or by mailing a copy thereof, certified mail, return receipt requested, addressed to the contestant at his address shown on the request for the hearing. The town within whose boundary the hearing is taking place shall also receive notice of the hearing in the manner described above. The notice shall include a statement of the following:
1. The time, place and nature of the hearing;
 2. The legal authority and jurisdiction under which the hearing is to be held;
 3. The particular section or sections of this ordinance, rule, or regulation involved; and
 4. A plain and short statement of the matters asserted.
- C. All appeals to the City Council commenced, as provided in this section, shall be contested cases, and shall be conducted in accordance with the Wyoming Administrative Procedure Act.
- D. Only those matters or issues specifically raised by the contestant shall be considered in the hearing of the appeal.
- E. Failure to file a request for hearing shall result in a waiver of all legal rights to contest the matter appealed from.
- F. Nothing in this section shall be interpreted to in any way limit or contravene any other remedy available under this ordinance, nor shall this section be interpreted as a condition precedent to any other enforcement action under this ordinance.

- G. Subpoenas—Witnesses.
 - 1. In connection with any hearing under this ordinance, the City Council may:
 - a. Subpoena any person or evidence; and
 - b. Order a witness to give evidence.
 - 2. A subpoenaed witness shall receive the same fees and mileage reimbursement as if the hearing were part of a civil action.
- H. The City Council, through its mayor, is authorized to appoint one or more hearing examiners/officers to preside at and make a record of hearings in contested cases. Such examiners/officers shall have those powers prescribed by law and as set forth in Wyoming Statute Section 16-3-112(b).
- I. The Town in which the user is located will have an opportunity to be involved in the decision-making following the hearing in a joint meeting with the Casper City Council after the hearing officer's recommendation has been made.
- J. A transcript of the hearing will be provided to the town in whose boundary the user is located.

Final Corrective Order

- A. Orders. Unless the person served with an order makes a timely request for a hearing, the order is a final order, and may be enforced in district court.
- B. If the person with an order under this ordinance makes a timely request for a hearing as provided for in the above Section, the order becomes a final corrective order when the decision is rendered following the hearing.
- C. Order Action Permitted. This section does not prevent the City or its attorney from taking action against a violator before expiration of the time limitations or schedules in the order.

Administrative Fines And Cost Recovery

This section is created pursuant to the authority of Wyoming Statute Section 15-1-103(a)(xxx).

Any person who violates or fails to comply with any of the provisions of this ordinance, or rules and regulations, or any order, or permit issued by the City, shall be liable for an administrative fine of not more than \$750. In the case of a continuing violation, each day's continuance shall be a separate and distinctive offense. The City after consultation with the Town, or City alone, shall have the power to impose these penalties. A proceeding to impose such penalties shall be commenced by the service of a notice of violation and/or an order of the City Manager or his duly authorized representative. The City shall have the power to enforce its final decision and orders imposing such administrative fines as if they were money judgments, as provided by this ordinance and the enforcement response plan.

Any person who violates any of the provisions of this ordinance, or causing damage to or otherwise inhibiting the shall be liable to the Town for any expense, including, but not limited to, monitoring expenses, fines, and penalties, loss, or damage caused by such violations or discharge. The Town shall bill the industrial user for the costs incurred for any cleaning, repair, or replacement work caused by the violation or discharge. Refusal to pay the assessed costs shall constitute a separate violation of this ordinance.

The City Manager or his/her authorized representative, in his/her discretion, after consultation with the Town, if appropriate, shall establish schedules of administrative fines and for cost recovery indicating the minimum and maximum amount for each separate offense, these schedules shall be effective upon approval by resolution of the City Council.

ARTICLE II. JUDICIAL ENFORCEMENT

All actions for the remedies provided in this article shall be commenced and prosecuted in the district court for the Seventh Judicial District, Natrona County, Wyoming.

Falsifying Information

Any person who knowingly makes any false statements, representations or certification of a material fact in any application, record, report, plan or other document filed, or required to be maintained, pursuant to this ordinance, or a wastewater contribution permit, or who falsifies, tampers with or knowingly renders inaccurate any monitoring device or method required under this ordinance, shall, upon conviction, be punished as provided in this code.

Injunctive Relief

Pursuant to Wyoming Statute Section 15-1-103(a)(xlvi), the City, after consultation with the Town, or the City alone, may bring an action in the district court, Seventh Judicial District, Natrona County, Wyoming for injunctive relief against any person who violates any provision of this ordinance or any rules, regulations, orders, or permit adopted or issued under this ordinance.

Civil Penalties

In addition to being subject to an injunctive action under this ordinance, a person who violates any provision of this ordinance or of any rule, regulation, order, or permit adopted or issued under this ordinance is liable to pay a civil penalty pursuant to Wyoming Statute Section 15-1-103A(XLVI) of not less than one thousand dollars and not more than ten thousand dollars per violation per day, to be collected in a civil action.

Criminal Penalties

- A. Violating Ordinance, Rules, Regulations, Orders or Permits.
 - 1. A person who violates any provision of or fails to perform any provision of or fails to perform any duty imposed by a rule, regulation, order or permit adopted under this ordinance, is guilty of a misdemeanor and upon conviction is subject to a fine not exceeding seven hundred fifty dollars per violation per day or imprisonment not to exceed six months or both.
 - 2. In addition to any criminal penalties imposed on a person convicted under this subsection, the person may be enjoined from continuing the violations.
 - 3. Each day on which a violation occurs is a separate violation under this subsection.
- B. A false statement of a material fact in a required document may subject a person to a finding of guilty of a misdemeanor and upon conviction is subject to a fine not exceeding seven hundred fifty dollars or imprisonment not exceeding six months or both if the person:
 - 1. Knowingly makes any false statement, representation, or certification of a material fact in any application, record, report, plan, or other document filed or required to be maintained under this ordinance or any rule, regulation, order or permit adopted or issued under this ordinance; or
 - 2. Falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required to be maintained under this ordinance or any rule, regulation, order, or permit adopted or issued under this ordinance.

ARTICLE III. AFFIRMATIVE DEFENSES TO DISCHARGE VIOLATIONS

Bypass

- A. An industrial user may allow any bypass to occur which does not violate pretreatment standards or requirements, or their permit, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to subsections B and C.
- B. Notice.
 - 1. If an industrial user knows in advance of the need for a bypass, it shall submit prior notice to the POTW, if possible, at least ten days before the date of the bypass.
 - 2. An industrial user shall orally notify the POTW of an unanticipated bypass that exceeds applicable pretreatment standards or requirements within twenty-four hours of becoming aware of the bypass. A written submission shall also be provided within five days of becoming aware of the bypass and its cause; the duration of the bypass, including exact times and dates, and, if the bypass has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the bypass.
- C. Prohibition of Bypass.
 - 1. Bypass is prohibited and the POTW may take enforcement action against an industrial user for a bypass, unless:
 - a. Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage,
 - b. There was no feasible alternative to bypass, such as use of auxiliary treatment facilities, retention of wastes, or maintenance during normal periods of equipment downtime. This condition is not

- satisfied if adequate backup equipment should have been installed to prevent bypass which occurred during normal periods of equipment downtime or preventive maintenance, and
- c. The industrial user submitted notices as required by subsection B of this section.
2. The POTW may approve an anticipated bypass, after considering its adverse effects, if the POTW determines that it will meet the three conditions listed in subdivision C(1) of this section.

Operating Upsets

- A. Any industrial user that experiences an upset in operations that places the user in a temporary state of noncompliance with categorical standards shall inform the POTW within twenty-four hours of becoming aware of the upset.
- B. A written follow up report of the upset shall be filed by the user with the POTW within five days. The report shall specify:
 1. Description of the upset, and cause(s) thereof and the upset's impact on the user's compliance status;
 2. Duration of noncompliance, including exact dates and times of noncompliance, and if not corrected, the anticipated time the noncompliance IS expected to continue; and
 3. All steps taken or to be taken to reduce, eliminate, and prevent recurrence of such an upset.
- C. The report must also demonstrate that the treatment facility was being operated in a prudent and workmanlike manner.
- D. A documented and verified operating upset shall be a mitigating factor to be considered in any enforcement action brought against the user for violations attributable to the upset event. This subsection shall in no way limit the Town's ability to take an enforcement action against a violation.

PASSED ON FIRST READING the 7th day of July, 1999.

PASSED ON SECOND READING the 3rd day of May, 2000

PASSED, APPROVED, and ADOPTED on THIRD and FINAL READING the
7th day of June, 2000

TOWN OF MILLS, a Municipal Corporation

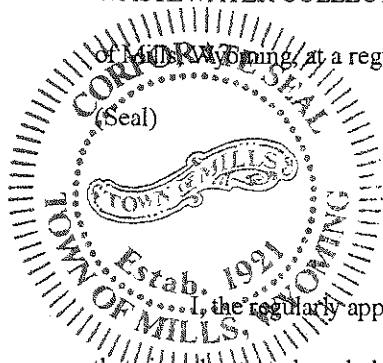
By Robert L. Goff
Robert L. Goff, Mayor

Attest:

Sue Regennas
Sue Regennas, Clerk
Town of Mills

I, Sue Regennas, Town Clerk of the Town of Mills, Wyoming, do hereby certify that the forgoing is a true and correct copy of Ordinance No. 464 entitled "AN ORDINANCE CONCERNING WASTEWATER TREATMENT; OUTLINING PROCEDURES, REGULATIONS AND THE PROCESS FOR OPERATION OF THE MILLS WASTEWATER COLLECTION AND DISPOSAL SYSTEM." Passed on Third Reading by the Town Council of the Town of Mills, Wyoming, at a regular meeting held by the Council Chambers on the 7th day of June, ~~1999~~ 2000.

Sue Regennas
Sue Regennas, Town Clerk



I, the regularly appointed, duly qualified and acting Town Clerk of the Town of Mills, Wyoming, do hereby certify that signed, attested, sealed, and certified copies of this Ordinance No. 464 approved and passed as certified above, were followings its passage by the Town Council, posted in the Town Clerk's office and the Mills Post Office for a period of (10) days as required by law; that it took effect and became in force as a legal ordinance of the Town of Mills, Wyoming, on the 26th day of June, ~~1998~~ 2000.

Sue Regennas
Sue Regennas, Town Clerk

