

**ORDINANCE NO. \_\_\_\_\_**

ENTITLED: "AN ORDINANCE AMENDING CHAPTER 13.04 – PUBLIC UTILITIES GENERALLY; CHAPTER 13.08 – WATER SERVICE SYSTEM; CHAPTER 13.12 – SEWER SYSTEM; CHAPTER 13.16 – STORM SEWERS; AND CHAPTER 13.20 – WASTEWATER TREATMENT & DISPOSAL; OF TITLE 13 – PUBLIC SERVICES, OF THE CODE OF THE CITY OF CHEYENNE, WYOMING."

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF CHEYENNE, WYOMING:

Section 1. That Chapter 13.04 – Public Utilities Generally; Chapter 13.08 – Water Service System; Chapter 13.12 – Sewer System; Chapter 13.16 – Storm Sewers; and Chapter 13.20 – Wastewater Treatment & Disposal; of Title 13 – Public Services, of the code of the City of Cheyenne, Wyoming, is hereby amended as set out in this ordinance.

Title 13 - PUBLIC SERVICES

**Chapters:**

Chapter 13.04 - PUBLIC UTILITIES GENERALLY

**Sections:**

13.04.010 - Definitions.

The following definitions shall apply in the interpretation and enforcement of this title:

"Board of Public Utilities," "board" or "BOPU", means the board of public utilities of the city of Cheyenne, Wyoming, or its duly authorized designee.

"Consumer" means the ~~property owner of record~~ **deeded property owner of record**, his or her agent, or the person responsible for the payment of all charges ~~and whose name appears on bills~~ for utility service **as defined in Section 13.04.150 of this Chapter.**

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

~~"POTW" means the publicly owned wastewater treatment works, including sewers that convey wastewater and treatment plants but does not include pipes, sewers or other conveyances not connected to a facility providing treatment. means a treatment works, as defined by Section 212 of the Act (33 U.S.C. Section 1292), which is owned by the City. This definition includes any devices or systems used in the collection, storage, treatment, recycling, and reclamation of sewage or industrial wastes of a liquid nature and any conveyances, which convey wastewater to or from a treatment plant. The term also means the municipality as defined in Section 502(4) of the Act, which has jurisdiction over the Indirect Discharges to and the discharges from such a treatment works.~~

"PWW" means the public waterworks owned by the city and any structure, equipment or facilities used for the purpose of treating or conveying raw water or conveying potable water.

"Utility" means water, sanitary sewer and/or any other utility service furnished by the city or others to consumers.

(2001 In-house code § 44-4)

13.04.020 - Compliance.

Utilities furnished under this title shall be provided in compliance with federal, state and local laws, rules and regulations and applicable technical codes.

(2001 In-house code § 44-5)

13.04.030 - Damage and trespass.

It is unlawful for any person, without authority to do so, to ~~open water hydrants or~~ tamper with ~~pipng, valves, manholes, or~~ any city utility ~~service furnished by the city infrastructure~~, or in any way molest, damage or trespass upon equipment or premises belonging to the city connected with any ~~public~~ utility service.

(2001 In-house code § 44-6)

13.04.040 - Termination of service authorized.

The ~~board~~ BOPU has the right to disconnect and refuse to connect or reconnect any utility service for any of the following reasons:

- A. Failure to meet applicable provisions of law;
- B. Violation of rules and regulations pertaining to utility services;
- C. Nonpayment of utility bills;
- D. Willful or negligent waste of services due to improper ~~maintenance~~ or imperfect pipes, fixtures, appliances or appurtenances or due to any other reason;
- E. Molesting, ~~altering, or removing~~ any meter, seal or other equipment controlling, regulating or measuring the supply of any utility service;
- F. Theft, diversion or use of utility services without payment; or
- G. Vacancy of premises.

(2001 In-house code § 44-7)

13.04.050 - Not available to debtors ~~or violators of city ordinance~~.

The ~~board~~ BOPU may decline or cease to furnish utility service to any persons ~~in violation of any city ordinance or~~ in debt to the city for any reason, except ad valorem taxes and special assessments.

(2001 In-house code § 44-8)

13.04.060 - Use assumed.

All premises connected to any utility service shall be assumed to be using the utility service, and the owner or occupant shall be charged ~~for service fees and all consumption~~ so long as the premises remains connected to the utility service.

(2001 In-house code § 44-9)

13.04.070 - Temporary interruption of service and backflow of sewer system.

The ~~board~~ BOPU reserves the right to cut off any utility service, without notice, in case of emergencies. When an interruption in service is necessary for the maintenance or improvement of a utility system, affected consumers will be notified as circumstances permit. Neither the ~~board~~ BOPU nor the city shall assume or incur any liability for damage or property loss caused by an interruption in service or backflow of the sewer system. ~~If there~~

are multiple connections on a single service, the BOPU and the city shall not assume or incur any liability pursuant to Section 13.04.100 of this Chapter.

(2001 In-house code § 44-10)

13.04.080 - Resale.

It is unlawful for any person to resell to others any utility service obtained from the city, except by special arrangement approved by the ~~board~~ BOPU.

(2001 In-house code § 44-11)

13.04.090 - Connections to service.

Connections for any utility service shall be made only with the approval and under the supervision of the ~~board~~ BOPU.

(2001 In-house code § 44-12)

13.04.100 - Separate connections.

Every building, structure or consumer in the city must have a separate utility service connection except for common ownership ~~projects~~ agreements approved by the ~~board~~ BOPU.

(2001 In-house code § 44-13)

13.04.110 - Unlawful use.

No person, other than persons authorized by the ~~board~~ BOPU, shall connect to, turn on, turn off or disconnect any utility service offered by the city, or remove, replace, or repair any equipment connected to such utility.

(2001 In-house code § 44-14)

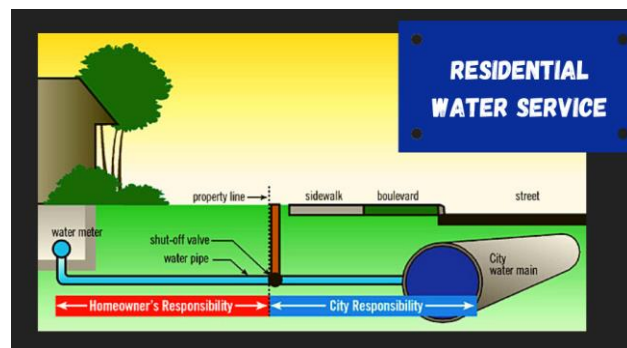
~~13.04.120 - Maintenance.~~

~~All consumers shall keep and maintain service pipes, including service lines (from tap to main to property), meters and pits, stopcocks and appurtenances connecting their premises to utility services in good repair and protected from frost at the owner's expense, no claim may be made against the city or the board by reason of the breaking of pipes or appurtenances. The board may, at its sole discretion, elect to replace the water service tap without charge to a customer.~~

13.04.120 - Maintenance, repair, and replacement of privately owned water and sewer services.

Water Service:

Any land requiring service by BOPU shall be served by at least a single, three-quarter inch diameter, privately owned water service connected to the BOPU potable water system. The owner of property supplied with BOPU water shall, at their own expense, keep the privately-owned water service line(s) within their premises in good order and repair and protected from freezing. The owner of any property supplied with BOPU water shall also, at



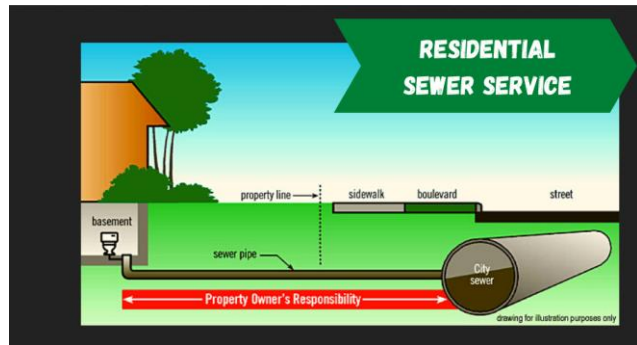
their own expense, keep the water shut-off valve(s) accessible and in good order and repair. The property owner is responsible for the ownership, repair, and maintenance of their privately-owned water service line(s) and shut-off valve(s) beyond the water shut off (curb stop) through the structure(s) or premise(s) being served. Maintenance of the privately-owned water service line(s) and shut-off valve(s) include but are not limited to performing underground utility locates, valve exercising, cathodic protection, flushing, cleaning, disinfection, and removal of blockages that impede the design flow. Repair of the privately-owned water service line(s) and shut-off valve(s) includes but are not limited to repair or complete replacement of the water shut-off valve(s), point repairs and/or complete replacement of the water service line to restore the design flow.

Properties with service lines identified on the BOPU lead service line inventory as “lead”, “galvanized requiring replacement”, or “unknown” are encouraged to replace their lines in accordance with the BOPU’s “Lead Service Line Replacement” plan. Customer’s must notify the BOPU when replacing service lines.

**Sewer Service:**

Any land requiring service by BOPU shall be served by at least a single, four-inch diameter, privately-owned sewer service connected to the BOPU sanitary sewer system. The property owner shall be responsible for the ownership, maintenance, and repair of their privately-owned sanitary sewer service line(s) from the connection point at the BOPU sanitary sewer main (the Wye) through the structure(s) or premise(s) being served. Maintenance of the privately-owned sanitary sewer service line(s) include but are not limited to, performing underground utility locates, regularly scheduled cleaning, root removal, grease removal, debris removal, and clearing of blockages that impede the design flow or that could be dislodged and/or discharged into the BOPU sewer main and possibly cause a blockage which could impact other property owners. If BOPU determines that a privately-owned sewer service is impacting the normal operations of the BOPU owned main, the BOPU may direct the property owner to perform the necessary maintenance at their cost. Repair of the privately-owned sanitary sewer service line(s) include but are not limited to, installation of clean outs, point repairs and/or complete replacement of the sanitary sewer service line to restore the design flow. If the BOPU determines that a property owner has the potential to have a sewer system backup, a backwater valve shall be installed by the property owner at their cost. Sewer system backwater valves for privately owned sewer services shall be installed in accordance with the city’s Uniform Plumbing Code.

A reporting property owner(s) or adjacent affected property owner(s) shall not hold the BOPU or city of Cheyenne liable for any damage or clean up resulting from a discovered or reported blockage or backup upon inspection of the sewer lines by BOPU, that the BOPU is not the responsible party or negligent. If the responsible party is a property owner, the affected property owner(s) shall pursue their own legal recourse for damages accrued by the responsible party where blockage or obstruction(s) was found.



(2001 In-house code § 44-15)

**13.04.130 - Meters.**

Meters for measurement of ~~city~~ BOPU utility services will be furnished ~~and~~, installed, and maintained by the ~~city~~ BOPU and remain ~~city~~ BOPU property. Access to the BOPU meter shall be allowed, at all times, for authorized BOPU personnel to examine meters pursuant to Section 13.08.130 of this Chapter.

(2001 In-house code § 44-16)

**13.04.140 - Consumer rates—Charges.**

Rates and charges for the consumption of ~~city~~ BOPU utility services, charges and fees for connection, inspections, penalties, shutoff penalties, and meter installations shall be established by the ~~board~~ BOPU, approved by the governing body, and filed with the city clerk and business office of the ~~board~~ BOPU each year.

(2001 In-house code § 44-17)

#### 13.04.141 – Fee Assessment on monthly gross revenues.

Effective July 1, 2021, and continuing thereafter, the BOPU shall collect on behalf of the city a two percent (2%) fee on monthly gross revenues of water and sewage services and remit those fees to the city treasurer as a pass through.

#### 13.04.150 - Bills—Property owner responsible for payment.

The ~~deeded~~ property owner or owners is responsible for the payment of all charges for utility services provided to the property during his or her ownership. On request of the ~~deeded property owner or owners~~ the BOPU will bill the occupant or tenant for such charges, but if such charges are not paid when due by the occupant or tenant, the owner or owners are responsible for such charges, and they shall be assessed to the property served. The property owner may request third party notification on all billing activity on rental properties.

(2001 In-house code § 44-18)

#### 13.04.160 - When payment due.

Bills for ~~city~~ BOPU utility services are due prior to midnight of the twentieth day following the billing date. If the due date falls on a Sunday or a legal holiday observed by the city, then the time for payment is extended to midnight of the following business day.

(2001 In-house code § 44-19)

#### 13.04.170 - Penalty for nonpayment.

Failure to pay utility bills when due will result in the imposition of a late payment penalty established by the ~~board~~ BOPU and approved by the governing body.

(2001 In-house code § 44-20)

#### 13.04.180 - Disconnection for nonpayment.

If bills for utility ~~services, fees, fines or penalties~~ are not paid when due and are determined as delinquent, and after affording the ~~consumer~~ ~~deeded property owner of record~~ an opportunity for review, the ~~board~~ BOPU shall have the right to disconnect and discontinue all utility services furnished by the city to the consumer. If the consumer fails to request a review within seven days of notice of a delinquent bill and notice of the opportunity for review, and if payment is not made within fifteen (15) days from the date of the notice, the water shall be shut off and a late penalty, established by Section 13.04.170 of this Chapter, must be paid in full before water service is resumed to the applicable property. If a review results in the determination of delinquency, and payment is not made within five days of the determination, the water shall be shut off and a late penalty and the outstanding amount due must be paid in full ~~along with a return to compliance with all applicable city codes~~ prior to resumption of service to the applicable property. Notice under this section is deemed received by the consumer within three days of mailing.

(2001 In-house code § 44-21)

#### 13.04.190 - Voluntary discontinuance of service.

- A. Consumers wishing to discontinue the use of water or sanitary sewer utility services shall give written notice to the business office of the ~~board~~ BOPU.
- B. Consumers wishing to discontinue or modify city sanitation services shall give written notice to the city sanitation department.
- C. Failure to give the notice required by subsection (A) or (B) of this section shall render the consumer liable for payment of all utility service charges until such notice is given.

(2001 In-house code § 44-22)

## Chapter 13.08 - WATER SERVICE SYSTEM

### Sections:

#### 13.08.010 - Enforcement.

The chief of police, the director, or office manager of the ~~board~~ BOPU, their assistants, and the police and fire officers of the city shall take special heed in enforcement of the provisions of this title and may immediately shut off the water to the premises of any persons found violating any provisions. In the event a violator's water is shut off, the water service for such premises shall not be turned on again until the consumer pays a ~~shutoff disconnect and a connection~~ penalty established by the ~~board~~ BOPU and approved by the governing body, in addition to all other utility charges due. Upon a subsequent violation of this Chapter, the offender may be duly prosecuted in municipal court. Each day a violation continues shall be deemed a separate offense.

(2001 In-house code § 44-25)

#### 13.08.020 - Application for water.

No person may knowingly, either directly or indirectly, take water from the PWW without first applying to the ~~board~~ BOPU and receiving authorization in accordance with ~~board~~ BOPU policy.

(2001 In-house code § 44-26)

#### 13.08.030 - Penalty for taking water without making application ~~or permit~~.

Persons knowingly taking water from the PWW without ~~board~~ BOPU approval shall pay the ~~board~~ BOPU for the estimated amount of water taken, plus a penalty established by the ~~board~~ BOPU and approved by the governing body. The water shall be shut off from the premises of such persons until all charges and penalties are paid in full.

(2001 In-house code § 44-27)

#### 13.08.040 - Unlawful activities.

It is unlawful for any person, either alone or acting in concert with others, to:

- A. Take water from the PWW or ~~open any stopcock, valve or other~~ tamper with any and all appurtenance connected with the PWW, or in any way divert water from its course in the regular ditches or pipes supplying water to the city, without ~~board~~ BOPU approval;
- B. Use, own or possess a key to a curb stop or to any other stop or valve controlling ~~city owned~~ water mains or service pipes, over which the ~~board~~ BOPU has ~~control and maintenance~~, except a licensed plumber, officer, agent, or employee of the ~~board~~ BOPU may use, own, or possess such a key. No such key shall be loaned to

any person for any purpose, nor shall any key be in the possession of any individual other than a licensed plumber, officer, agent, or employee of the ~~board~~ BOPU;

- C. Use water from the PWW or permit water to be drawn, unless the water passes through a meter supplied or approved by the ~~board~~ BOPU for specific use, or a construction hydrant use permit has been obtained, except for the extinguishment of fires or if the person using the water is an authorized city or ~~board~~ BOPU employee engaged in municipal work;
- D. Refuse to permit the ~~board~~ BOPU to enter any premises where utility services are being received or are assumed to be in use, at all reasonable times, to install, read, operate, monitor, inspect, repair, or remove any appurtenance used in connection with the supply, metering or monitoring of the utility service;
- E. Operate fire hydrants or interfere with the PWW without first obtaining a permit, unless an authorized employee of the city engaged in municipal work;
- F. Tap distribution mains or pipes of the water system or operate valves or make connections to the system, unless authorized by the ~~board~~ BOPU;
- G. Permit water from the PWW to be used for any purpose except upon the person's own premises or for the extinguishment of fires, unless authorized by the ~~board~~ BOPU;
- H. Permit a physical connection to be installed between a private water supply and the PWW;
- I. Wastewater from the PWW, whether metered or not. No leaks in service pipes, connecting pipes or any water fixture are permitted. If leaks are not promptly repaired as directed by the ~~board~~ BOPU so as to stop the waste of water, the water shall be shut off until the leak is repaired;
- J. Bathe, wash, place or cast refuse or anything whatsoever in any ditch, reservoir or settling basin of the city, or discharge firearms over or near such ditches, reservoirs or settling basins; or
- K. Place a sprinkler, hose, or other irrigating device on any premises so that it sprinkles or throws water upon, across or over any sidewalk, street, road, or alley.

(2001 In-house code § 44-28)

13.08.050 - Owners of steam boilers to keep emergency reserve of water.

Owners of steam boilers and/or hot water boilers taking water from the PWW are required to have tanks that contain an ample supply of water for ten (10) hours of boiler operation in case the water is shut off for any purpose. The city, the ~~board~~ BOPU, or any employee of either shall not be responsible for any accidents or damages sustained by reason of failure to comply with this section or by reason of the water being shut off.

(2001 In-house code § 44-29)

13.08.060 - Installation and maintenance—Generally.

The water piping system of every new building and of all systems installed in an existing building shall be separate from and independent of any other building. All piping or plumbing installed by the owner shall comply with the requirements of this title and ~~applicable technical codes~~ the applied international plumbing code per **Cheyenne City Code 15.12.**

(2001 In-house code § 44-30)

13.08.0~~60~~70 - Installation and maintenance—Supervision by ~~board~~ BOPU.

The ~~board~~ BOPU shall supervise and inspect the tapping of mains, insertion of corporation ~~cocks~~ stops, and laying of service pipes to the curb stop to assure compliance with this title, ~~board~~ BOPU rules and regulations, and all other requirements for utility service. **The city building department inspects the service piping from the curb stop to the structure being served.**

(2001 In-house code § 44-31)

13.08.080 - Unauthorized alteration of conduit or ~~water cock curb stop~~ prohibited.

No person may make or cause to be made any alteration or addition whatsoever in or about any conduit or ~~water cock curb stop~~ of the PWW, whether on private property or not, without ~~board~~ BOPU permission.

(2001 In-house code § 44-32)

13.08.090 - Service ~~pipes~~ lines.

All service ~~pipes~~ lines shall ~~be type "k" soft copper, except for two inch (2") size and smaller may also use high density polyethylene (HDP) conforming to AWWA C901 SDR 9 copper tube size. HDP service line must be laid with a tracing or locating wire, and All service lines must, in all cases, be laid at a depth of not less than five (5) feet below the surface of the ground (refer to~~ meet the design and installation requirements of the BOPU Infrastructure Policy & Design Criteria (IPDC) manual for meter pits and service pipeline.

(2001 In-house code § 44-33)

13.08.100 – ~~Stopeocks~~ Curb Stops.

- A. ~~Stopeocks~~ Curb Stops shall be inserted in the service pipe in every case and protected by a box with a cast-iron covering having the word "water" or the letter "W" marked thereon. Such box shall be placed inside of the curb on city property within ten (10) feet of the lot line and placed as close to such lot line as is practical and the same must be visible and flush with the pavement, sidewalk, or ~~final grade of the ground level.~~
- ~~B. — When more than one (1) building is supplied by a single tap by means of branch service pipes, each branch pipe shall have a stopcock curb stop with box and cover complete, which shall be located as provided for other service pipes in this section. Each building shall be served by a separate service line and tap, tap, and meter (per the BOPU IPDC manual for meter pits and service pipeline).~~

(2001 In-house code § 44-34)

13.08.110 - Cross-connections.

No cross-connections are permitted which, in the opinion of the ~~board~~ BOPU, may contaminate the city water system. The ~~water BOPU~~ may ~~be turned-off~~ turn off water to premises with cross-connections until such cross-connections are removed.

A portion of the following document, as specifically referenced and designated, including any amendments to the portion of the document specified, as incorporated by the Wyoming Department of Environmental Quality, is hereby adopted, and made a part of this section of city code: Wyoming department of environmental quality water quality rules and regulations, Chapter 12, "Design and construction standards for public water supplies," Section 14(i), cross-connections. Said documentation is on file and open for public inspection in the office of city clerk.

(Ord. 3532 § 1 (part), 2003: 2001 In-house code § 44-35)

13.08.120 - Separate meters required.

Not more than one residence, apartment house, business or other establishment shall be connected to one meter except for common ownership ~~projects which have board approval~~ agreements approved by the BOPU or consecutive systems. A consecutive system is defined by 40 CFR Section 141.2 as a public water system that receives some or all of its finished water from one or more wholesale systems. Delivery may be through a direct connection or through the distribution system of one or more consecutive systems.



(2001 In-house code § 44-36)

13.08.130 – Meter inspection and testing.

When deemed advisable or necessary by the BOPU, water meters will be inspected and tested free of charge; provided, that when meter inspection and testing is made on demand of the owner, a charge as established by the ~~board~~ BOPU and approved by the governing body may be imposed for each inspection.

(2001 In-house code § 44-37)

13.08.140 – Meter removal and reinstallation.

The ~~board~~ BOPU shall, upon request of a property owner, remove a meter from service. A charge established by the ~~board~~ BOPU and approved by the governing body shall be paid by the owner if the meter is reinstalled. This charge does not apply to properties having separate irrigation meters where the owner pays minimum charges for each billing period; provided, that removal of such meters to protect against damage by freezing shall be left to the discretion of the ~~board~~ BOPU. Minimum charges, including the charge for sewer service and garbage removal, will be billed to each property owner on a monthly basis unless the water has been turned off by the ~~board~~ BOPU and the meter removed. Unless the new owner or occupant agrees to assume charges from the date of the final reading for a former owner or occupant, the water shall be turned off and the meter removed at the time of the final reading.

(2001 In-house code § 44-38)

13.08.150 - Tampering with meters or refusal of access to same.

No person shall in any way tamper with any water meter installed in the city or refuse access to a meter by authorized city or ~~board~~ BOPU personnel. Meters shall be accessible for reading during reasonable hours. If, in the opinion of the ~~board~~ BOPU, any meter has been tampered with, if access to any meter is denied, or if a reading could not be obtained due to the absence of occupants or for other reasons, the quantity of water delivered during the month for which no reading was obtained will be estimated by the ~~board~~ BOPU. If in any succeeding months tampering reoccurs or a reading cannot be obtained, the ~~board~~ BOPU may shut off the delivery of water to the premises, in which case the consumer shall be subject to the shutoff penalty ~~referred to in~~ pursuant to Section 13.04.140 of this Chapter.

(2001 In-house code § 44-39)

13.08.160 - Inside water meter sets.

All inside installation of water meters for three-quarter inch and one-inch meters shall be plumbed for a horizontal meter set. The rough plumbing shall comply with the ~~board~~ BOPU standard drawing No. 02665-16B. The meter space shall be preceded by an approved stop valve and pressure-reducing valve. ~~The meter shall be installed within four feet of pipe length from where the service enters the building.~~ Following the meter space shall be an approved double check valve and an expansion tank with a 2.5-gallon capacity.

(Ord. 3532 § 1 (part), 2003)

13.08.170 - Approval required for connections outside the city.

No water connection permit will be issued to serve any property located outside the corporate limits of the city, except with specific approval of the BOPU. Connections must be authorized by an outside user agreement approved by the BOPU and a resolution approved by the governing body and are subject to terms, conditions and fees established by the BOPU.

## Chapter 13.12 - SEWER SYSTEM

13.12.010 - ~~Board~~ Board of Public Utilities (BOPU) in charge of system.

The entire sanitary sewer system of the city shall be constructed, managed, operated, maintained, and controlled by the ~~board~~ BOPU under the provisions of Wyo. Stat. Sections 15-7-401 through 412 and 15-7-501 through 514. Refer to Section 13.04.120 of this Chapter which explains the property owner's sewer service responsibility and maintenance.

(2001 In-house code § 44-40)

13.12.020 - Sewer connection required.

All occupied property in the city which is capable of being served by the sanitary sewer system shall be connected with the system. A written or printed notice to connect with the system shall be given by the city health officer to all owners or occupants of properties which are not connected with the system, but which are capable of being connected therewith, and unless the time for connection is extended by the governing body, all connections shall be made within thirty (30) days after the mailing of a notice.

(2001 In-house code § 44-41)

13.12.030 - Deposit of excrement, garbage or objectionable waste prohibited.

No person shall place, deposit, or permit to be placed or deposited in any unsanitary manner, on public or private property within the city or in any area under the city's jurisdiction, any human or animal excrement, garbage, objectionable waste, or pollutants as defined in Section 13.20.030 of ~~the city code~~ this Chapter.

(Ord. No. 4049, §§ 1, 2, 12-22-14; 2001 In-house code § 44-42)

13.12.040 - Outhouses and cesspools declared nuisances - Abatement of same.

All outhouses, septic tanks, cesspools, and all means of sewage disposal other than the city sewer system are declared to be nuisances endangering the peace, health, and lives of the inhabitants of the city and must be abated. The ~~board~~ BOPU shall take such steps as may be necessary to abate such nuisances.

(2001 In-house code § 44-43)

13.12.050 - Discharge of unpolluted waters.

- A. No person may discharge or cause to be discharged any unpolluted waters such as stormwater, groundwater, roof runoff, subsurface drainage, or cooling water to sanitary sewers.
- B. Storm waters and all other unpolluted drainage must be discharged to sewers specifically designated as storm sewers, or to a natural outlet approved by the ~~board~~ BOPU or other regulatory agency.
- C. Unpolluted industrial cooling water or process waters may be discharged, upon approval of the ~~board~~ BOPU and other regulatory agencies, to a storm sewer or natural outlet.

(2001 In-house code § 44-44)

13.12.060 - Disposal of sewage to storm sewers or natural outlets prohibited.

It is unlawful to discharge to any natural outlet or storm sewer within the jurisdiction of the city any sewage or other polluted waters.

(2001 In-house code § 44-45)

13.12.070 - Trucked or hauled nonhazardous liquid waste.

The discharge of trucked or hauled nonhazardous liquid waste is prohibited except at designated discharge points approved by the ~~board~~ BOPU.

(2001 In-house code § 44-46)

13.12.080 - Adoption of rules and regulations.

The governing body or ~~board~~ BOPU may make rules and regulations consistent with the provisions of these sections pertaining to sanitary sewers and take and direct all steps to carry out the intent and purpose of these sections.

(2001 In-house code § 44-47)

13.12.090 - Building sewers and connections—Standards and specifications.

The size, slope, alignment, and materials used in constructing building sewers, and the methods used in excavating, placing pipe, jointing, testing, and backfilling trenches shall conform to the city building and plumbing codes, ~~this title, and other applicable rules and regulations. In the absence of code provisions, or in amplification thereof, the materials and procedures adopted by the board BOPU apply.~~ and to the BOPU Infrastructure Policy & Design Criteria (IPDC) manual.

(2001 In-house code § 44-48)

13.12.100 - Class of sewer service permits.

There are two classes of sewer service permits. One class is for residential, commercial, minor industrial and institutional service and the other is for large Industrial Users.

(2001 In-house code § 44-49)

13.12.110 - Application forms for sewer service permits.

The owner of property or his or her agent must apply for a sewer service permit on a form furnished by the ~~board~~ BOPU. This form may be combined with forms for other permits required by the ~~board~~ BOPU. The permit application must be supplemented by plans, specifications or other information considered pertinent by the ~~board~~ BOPU.

(2001 In-house code § 44-50)

13.12.120 - Approval required for connections outside the city.

No sewer connection permit will be issued to serve any property located outside the corporate limits of the city, except with specific approval of the ~~board~~ BOPU. Connections must be authorized by an outside user agreement approved by the BOPU and a resolution approved by the governing body and are subject to terms, conditions and fees established by the ~~board~~ BOPU.

(2001 In-house code § 44-51)

13.12.130 - Sewer connection requirements.

The connection of the building sewer into the public sewer must conform to building and plumbing codes, this title and other applicable rules and regulations. In the absence of code provisions, the materials and procedures set forth in the appropriate specifications adopted by the ~~board~~ BOPU apply.

(2001 In-house code § 44-52)

13.12.140 - Existing building sewers.

Existing building sewers may be used with new buildings only when found on examination and testing by the ~~board~~ BOPU to meet the conditions of this title.

(2001 In-house code § 44-53)

13.12.150 - Owner responsible for costs.

Costs and expenses incident to the installation, connection and maintenance of the building ~~sewers~~ sewer services must be borne by the owner pursuant to Section 13.04.120 of this Chapter. Owners must indemnify the city and the ~~board~~ BOPU from any loss or damage that may directly or indirectly be caused by the installation, operation, and maintenance of building sewers.

(2001 In-house code § 44-54)

13.12.160 - Excavations.

Excavation for building sewer service installations must be guarded with barricades and lights to protect the public. Permittees must agree to assume responsibility for any public liability or property damage which may result from the work. Streets, sidewalks, parkways, or other public property disturbed in the course of the work must be restored to the design standards and standard specifications currently in effect. Permits for building sewer services must also be considered as encroachment permits as required in other sections of the city code.

(2001 In-house code § 44-55)

13.12.170 - Maximum tap size and tap connections.

No tap may be cut into an existing sewer ~~line~~ main. Maximum tap size shall be four-inch diameter when connecting into the mainline. All new taps shall have a service "Y" ~~is~~ installed in the existing or new main.

(2001 In-house code § 44-56)

13.12.180 - Manhole connections.

Any sewer connection six inches or larger must be made at an existing manhole by means of installation of a manhole.

(2001 In-house code § 44-57)

13.12.190 - Inspection of sewer service connection.

Applicants for sewer service permits must notify the ~~board~~ BOPU when the building sewer is ready for inspection and connection to the public sewer. The connection must be made during the presence of and inspected by the ~~board~~ BOPU. Connections may not be backfilled until the ~~board~~ BOPU has approved the connection.

13.12.195 - Unauthorized and prohibited discharges.

~~Certain Wastes Prohibited. No person shall, by direct or indirect means, discharge or cause the discharge of any of the following wastes into the public sanitary sewer system:~~

- ~~1. Flammable or hazardous liquids, gasses or solids in quantities Any substances which by their nature or quantity, either by itself, in combination or by interaction with other wastes are capable of causing or contributing to an explosion or supporting combustion in any public sanitary sewer facility or side sewer connection to the public sanitary sewer system, such as, but not limited to, gasoline, kerosene, naphtha, benzene, toluene, xylene, ethers, alcohols, ketones, aldehydes, peroxides, chlorates, perchlorates, bromates, carbides, hydrides and sulfides, or any other substances that the board BOPU, the City of Cheyenne Fire and Rescue Department, any state agency or the Environmental Protection Agency have identified as a fire hazard or a hazard to the system; Any substances which by reason of their nature or quantity may create a fire or explosion hazard or be injurious to the POTW or to the operation of the POTW, including, but not limited to, waste streams with a closed cup flashpoint of less than one hundred forty (140) degrees Fahrenheit or sixty (60) degrees Celsius using the test methods in 40 CFR Section 261.21;~~
- ~~2. Any solid or viscous substances or particles in a quantity, either by itself, or in combination or by interaction with other wastes, that is capable of obstructing flow or interfering with the operation or performance of the public sanitary sewer system, such as, but not limited to, grease, garbage with particles greater than one half (0.5) inch in any dimension, ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, sanitary wipes, plastics, plastic bags, wood, unground garbage, needles, syringes, contraceptive devices, feminine sanitary products, whole blood, carcasses, bones, body parts, and paper dishes and cups. Any solid or viscous substances which may cause obstruction to sewer flow or other interference with the operation of the POTW such as, but not limited to, grease, garbage with particles greater than one half inch in any dimension, or any material which can be disposed of as trash;~~
- ~~3. Any toxic, infectious, poisonous, noxious, or malodorous liquid, gas or solid that, either by itself, in combination with, or by interaction with other waste, is capable of creating a public nuisance, a hazard to the public health or safety, a hazard to personnel working at or in the vicinity of any sanitary sewer facility, or otherwise prevents entry by authorized personnel to any sanitary sewer facility, any pollutant which results in the presence of toxic gases, vapors or fumes within the POTW in a quantity that may cause acute worker health and safety problems;~~
- ~~4. Any liquid, gas or solid that, either by itself, in combination, or by interaction with other wastes or wastewater may cause damage or hazard to structures, equipment or personnel of the POTW, may cause corrosive structural damage to the public sanitary sewer system; Any wastewater having a pH less than five (5) or greater than eleven (11);~~
- ~~5. Heated substances in amounts that prevent entry into public sanitary sewer facilities by authorized personnel or that adversely impact facilities; Heat in amounts which will inhibit biological activity in the POTW resulting in interference, but in no case heat in such quantities that the temperature at the POTW treatment plant exceeds forty (40) degrees Celsius (one hundred four (104) degrees Fahrenheit). Heated substances in amounts which will prevent entry into the POTW facilities by authorized personnel or inhibit biological activity in the POTW resulting in interference, but in no case heat in such quantities that the temperature at the POTW Water Reclamation Facilities (WRFs) exceeds forty (40) degrees Celsius (one hundred four (104) degrees Fahrenheit). A limit may be required in particular situations where the temperature has caused or has potential to cause Pass Through of an interceptor, Interference or Pass Through in the POTW;~~
- ~~6. Food waste from a residence, except properly shredded food waste from a properly maintained garbage or food grinder;~~
- ~~7. Substances that may cause excessive foaming in the public sanitary sewer system; Substances that may cause foaming in amounts that affect the proper function of the POTW resulting in Pass Through or Interference;~~

- ~~8. Fats, oils or greases in amounts that cause a visible sheen on the discharge or in the public sanitary sewer system, that cause a build up of grease in any public sanitary sewer facility, or which accumulations either alone or in combination with other discharges cause obstruction of the public sanitary sewer system; or Any solid or viscous substances which may cause obstruction to sewer flow or other interference with the operation of the POTW such as, but not limited to, grease, garbage with particles greater than one half inch in any dimension, or any material which can be disposed of as trash;~~
  - ~~9. Motor vehicle fluids and waste, such as, but not limited to, motor oils, antifreeze, or other automotive fluids, petroleum oil, nonbiodegradable cutting oil, or products of mineral oil origin in amounts that will cause Pass Through or Interference;~~
  - ~~10. Any trucked or hauled pollutants, except at discharge points designated by the BOPU.~~
- ~~B. Discovery of Unauthorized or Prohibited Discharge. Upon discovery of an unauthorized or prohibited discharge, the board BOPU shall provide written notification to the property owner, renter or other party determined to be responsible by the board BOPU of the nonconforming or prohibited discharge and of all corrective measures necessary.~~
- ~~C. Damage Caused by Unauthorized or Prohibited Discharges. Any person discharging or causing, either directly or indirectly, an unauthorized or prohibited discharge to the public sanitary sewer system, that results in damage to, blockage of or premature degradation of any public sanitary sewer facility, shall be liable for said damage and financially responsible for any and all necessary repairs or other corrective actions necessary to restore the public sanitary sewer system to full and normal operation.~~
- ~~D. Any violation of this section is subject to the general penalty provision of the city code.~~
- A. No User shall contribute or cause to be contributed, directly or indirectly, to the POTW any pollutant or wastewater which will Pass Through or cause Interference, as defined in Section 13.20.030 of this Chapter, with the operation or performance of the POTW. These General Prohibitions and the specific prohibitions in subsection (B) below apply to all the Users of the POTW, whether or not they are subject to Pretreatment Standards or Requirements as defined in Section 13.20.030 of this Chapter.
  - B. Specific Prohibitions. No User shall contribute the following substances to the POTW:
    1. Any substances which by reason of their nature or quantity may create a fire or explosion hazard or be injurious to the POTW or to the operation of the POTW, including, but not limited to, waste streams with a closed cup flashpoint of less than one hundred forty (140) degrees Fahrenheit or sixty (60) degrees Celsius using the test methods in 40 CFR Section 261.21;
    2. Any solid or viscous substances which may cause obstruction to sewer flow or other interference with the operation of the POTW such as, but not limited to, grease, garbage with particles greater than one-half inch in any dimension, or any material which can be disposed of as trash;
    3. Any biological, chemical, or enzyme product, used on its own or in conjunction with other substances, that causes the liquefaction or emulsification or the act of liquifying or emulsifying fats, oil or grease;
    4. Petroleum oil, nonbiodegradable cutting oil, or products of mineral oil origin in amounts that will cause Pass Through or Interference as defined in Section 13.20.030 of this Chapter;
    5. Any wastewater having a pH less than five or greater than eleven (11), or having any other corrosive property capable of causing damage or hazard to structures, equipment or personnel of the POTW;
    6. Any substance which may cause a public nuisance, cause hazard to life or prevent entry into the sewers for maintenance and repair;
    7. Heated substances in amounts which will prevent entry into the sewer system of authorized personnel or will inhibit biological activity in the POTW resulting in interference, but in no case heat in such quantities that the temperature at the POTW treatment plant exceeds forty (40) degrees Celsius (one hundred four (104) degrees Fahrenheit). A limit may be required in particular situations where the temperature has caused or has potential to cause Pass Through of an interceptor, Pass Through or Interference in the POTW;

8. Any pollutant which results in the presence of toxic gases, vapors or fumes within the POTW in a quantity that may cause acute worker health and safety problems;
  9. Any trucked or hauled pollutants, except at discharge points designated by the BOPU;
  10. Any pollutant, including oxygen demanding pollutants, released in a discharge at a flow rate and/or concentration (including any slug load) which may cause interference to the POTW;
  11. Wastewater which imparts color which cannot be removed by the treatment process, such as, but not limited to, dye wastes and vegetable tanning solutions, which consequently imparts color to the treatment plant's effluent, thereby violating the BOPU's Wyoming Pollutant Discharge Elimination System (WYPDES) permit;
  12. Wastewater containing any radioactive wastes or isotopes except in compliance with applicable state or federal regulations;
  13. Stormwater, surface water, ground water, artesian well water, roof runoff, subsurface drainage, swimming pool drainage, condensate, deionized water, noncontact cooling water, and unpolluted wastewater, unless specifically authorized by the BOPU;
  14. Sludges, screenings, or other residues from the pretreatment of industrial wastes;
  15. Wastewater causing, alone or in conjunction with other sources, the treatment plant's effluent to fail toxicity test;
  16. Detergents, surface-active agents, or other substances that might cause excessive foaming in the POTW;
  17. Bulk, expired, outdated, or concentrated prescription and non-prescription drugs, that will cause or contribute to Passthrough or Interference.
- C. No chemicals, or substances, including but not limited to, paints, solvents, boiler or water treatment chemicals, sludges, chemicals, or wastes shall be stored in proximity to a floor drain or other sewer openings unless secondary containment is provided or there are physical barriers to entry to the wastewater collection system. The storage of any chemicals, materials, substances, or wastes that leak or have potential to leak or discharge into the POTW which may create an explosion hazard or in any way have a deleterious effect to the POTW or constitute a nuisance or a hazard to POTW personnel, the general public, the environment, or the receiving stream shall be prohibited.

~~(Ord. No. 4049, §§ 1, 3, 12-22-14)~~

~~13.12.200—Grease, oil and sand interceptors.~~

~~Grease, oil and sand interceptors must be provided or modified when, in the board's opinion, they are necessary for the proper handling of liquid wastes containing floatable grease in excessive amounts or flammable wastes, sand or other harmful materials, except that interceptors not be required for private living quarters or dwelling units. Modifications to existing interceptors may be required when violations of this Chapter exist. Interceptors must be of a type and capacity approved by the board and located in accordance with the Uniform Plumbing Code so as to be readily and easily accessible for cleaning and inspection. Interceptors may not be located so as to receive rainwater or unpolluted runoff.~~

~~(2001 In-house code § 44-59)~~

13.12.200 – RESERVED

13.12.210 - Location of ~~traps and~~ grease interceptors.

Within two weeks of notification by the ~~board~~ BOPU, owners of buildings or premises where ~~traps or~~ grease interceptors are located shall submit in writing to the ~~board~~ BOPU the number and location of every ~~trap or~~ grease interceptor that serves the owner's building or premises.

(2001 In-house code § 44-60)

~~13.12.220 – RESERVED~~

~~Cleaning required – Records of cleaning – Rules and regulations.~~

- ~~A. – Traps and interceptors must be cleaned as needed by a plumber or septic hauler licensed by the city/county health department.~~
- ~~B. – Records of cleaning and scraping must be maintained at the location of the trap or interceptor and a duplicate copy shall be submitted to the board on a quarterly basis.~~
- ~~C. – The board may establish rules and regulations governing the cleaning of traps and interceptors. All rules and regulations will be filed with the business office of the board.~~

~~(2001 In-house code § 44-61)~~

13.12.220 – RESERVED

13.12.230 - Authority to disconnect water service.

- A. If the ~~board~~ BOPU finds that a ~~trap or grease~~ interceptor, or lack of a ~~trap or grease~~ interceptor, is causing a failure of a private or public sanitary sewer, the ~~board~~ BOPU ~~shall~~ ~~may~~ have the water ~~or sewer~~ service of the offending property ~~terminated, suspended, or~~ disconnected after notice and an opportunity to appeal the proposed ~~disconnection~~ action is given to the occupant and offending party. ~~Termination, suspension, or~~ disconnection of the water ~~or sewer~~ service will continue until the ~~trap or grease~~ interceptor is functioning or installed in an approved manner.
- B. In the event the ~~board~~ BOPU finds it necessary to disconnect water service to a building or premises, it must immediately notify the city/county health department.

(2001 In-house code § 44-62)

13.12.240 - Right of entry, ~~inspection, and sampling.~~

~~When necessary to enforce this title or when the board BOPU has cause to believe there is a violation of this title, the board BOPU may enter such building or premises at all reasonable times to inspect it. The BOPU shall have the right to enter the premises of any user to determine whether the user is complying with all requirements of the Chapter, or order issued hereunder. Users shall allow BOPU access at all times to all parts of the premises for the purpose of inspection, sampling, and including use of digital photography, recording equipment, and the performance of any additional duties.~~

(2001 In-house code § 44-63)

13.12.250 - Unsafe ~~trap or grease~~ interceptors.

No person may allow any ~~trap or grease~~ interceptor to become unsafe, unsanitary or a menace to life, health, or property. When an existing ~~trap or grease~~ interceptor system is determined by the ~~board~~ BOPU to be damaged, unsafe, unsanitary or a menace to life, health, or property, it must be repaired, reconstructed, or replaced to eliminate or alleviate the unsafe or unsanitary condition. Any repair, reconstruction or replacement of ~~trap or grease~~ interceptors must conform to the Uniform Plumbing Code.

(2001 In-house code § 44-64)

~~13.12.260 – RESERVED~~

~~Screens and garbage grinders.~~

~~Screens must be provided when the board determines they are necessary to reduce the concentration of wastes to acceptable levels. Screens must be of a type and capacity approved by the board and located so as to be readily~~



~~accessible for cleaning and inspection. The installation and operation of any garbage grinder equipped with a motor of three-fourths horsepower or greater shall be subject to board approval.~~

~~(2001 In-house code § 44-65)~~

### 13.12.260 – RESERVED

13.12.270 - Governing body may order construction.

The governing body may order the construction of sewers in streets or alleys as necessary.

(2001 In-house code § 44-66)

13.12.280 - City engineer to file assessment roll.

Upon completion of construction of sewer improvements, the city engineer shall prepare and file with the city clerk a certified assessment roll, which shall cover all costs in connection with the improvement, including all costs of construction, together with the expenses of engineering, inspection, advertising, and collection of assessments.

(2001 In-house code § 44-67)

13.12.290 - Property to be assessed.

Assessments under this title shall be made on all lots or portions of lots to the center of the block, or, if the sewer is constructed in an alley, then on all lots and portions of lots to the nearest street or avenue, on each side, the distance improved or to be improved, according to the area of the lots or portions of lots, without regard to the buildings or improvements located on the lots.

(2001 In-house code § 44-68)

13.12.300 - Computation of assessment.

Amounts to be assessed against each property shall be determined by dividing all the expenses of the sewer construction among all the property to be benefitted by such construction. The amount assessed shall be in proportion of the number of square feet in each property to the entire number of square feet assessed for the expense of the sewer construction.

(2001 In-house code § 44-69)

13.12.310 - Hearings on assessment roll—Action on same by governing body.

- A. Notice. Upon filing of the certified assessment roll with the city clerk, the governing body shall fix a date for a hearing upon such roll before the governing body and direct the city clerk to give notice. Notice must specify the time and place of hearing on the roll and notify all persons who may desire to object to make their objections in writing and to file them with the city clerk, at or prior to the date fixed for the hearing. Notice must be published at least two times in the official daily newspaper of the city; provided, that at least fifteen (15) days shall elapse between the date of last publication and the date fixed for such hearing.
- B. Objections. Every objection must clearly state the grounds for the objection. Objections not made within the time or manner herein prescribed are conclusively presumed to have been waived.
- C. Hearing. At the time and place specified, the governing body will sit as a board of equalization for the purpose of considering the assessment roll and any objections and shall correct, revise, raise, lower, or change

such roll or any part or set aside the roll and order that assessments be made de novo as the governing body deems equitable.

- D. Amended Roll. Whenever any assessment roll is amended so as to raise any assessments or to include omitted property, a new time and place for hearing shall be fixed for amendments to the roll. Notice will be given the same as for the original hearing. Subsequent notice and hearing shall not apply to any property originally entered upon the roll and upon which assessment shall not be raised, unless objections are filed at or prior to the time set for the original hearing upon the roll.
- E. Confirmation. The assessment roll, upon approval by the governing body, must be confirmed by resolution or ordinance and certified by the city clerk, who will transmit it to the city treasurer, directing him or her to collect such assessments within thirty (30) days.

(2001 In-house code § 44-70)

#### 13.12.320 - Compilation of liens—Interest on unpaid assessment or balances.

At the end of the thirty (30) days provided for the city treasurer to collect assessments, or as soon thereafter as is feasible, a lien shall be compiled, signed by the mayor, ~~the city treasurer, and the city clerk,~~ covering all unpaid assessments or portions thereof. The lien will be filed in the office of the county clerk. Thereafter, all such assessments or unpaid balances thereon shall draw interest at the rate of six percent per annum. Such interest shall be computed at the rate of one and one-half percent quarterly. Notices shall be sent to the property owner each quarter, showing the increased amount due on each such account as new interest is added.

(2001 In-house code § 44-71)

#### 13.12.330 - Applicability of state law.

The provisions of state law governing local improvements govern, so far as applicable, in all details not otherwise provided by this title for the installation of sewers.

(2001 In-house code § 44-72)

#### 13.12.340 - Connections—Applicability.

Sanitary sewers or sewerage systems, including the portion of the individual building sewer ~~service~~ from the property line to the public sewerage system, to be connected to the city's sanitary sewerage system must strictly conform to this title. The construction of a sewerage facility outside of the corporate limits of the city where such system is to be connected to the city system shall be in strict conformity with the provisions of this title.

(2001 In-house code § 44-73)

#### 13.12.350 - Materials and installation specifications.

Plans and specifications for the construction, alteration, repair and installation of sanitary sewer connections, and the materials to be used, shall be promulgated by the ~~board~~ BOPU and filed in the business office. All pipe installed, under normal conditions, for use as a sanitary sewer, up to and including twenty-four (24) inches in diameter, shall be ~~either vitrified clay tile or~~ polyvinyl chloride (PVC) pipe meeting the standards and specifications of the ~~board~~ BOPU Infrastructure Policy & Design Criteria (IPDC) manual.

(2001 In-house code § 44-74)

#### 13.12.360 - Permits for construction of sewage systems, facilities, connections, and appurtenances required.

No work may be commenced on the construction of a proposed sewerage system, sewerage facility, connection, or appurtenance thereto, until a permit to construct the same has been issued by the ~~board~~ BOPU. Such

permits shall specify with reasonable certainty the locations and extent of the proposed system for which it is issued, and shall conform with ~~board~~ BOPU policy, procedure, and specifications of the BOPU IPDC manual.

(2001 In-house code § 44-75)

13.12.370 - Bond required.

A bond may be required at the discretion of the ~~board~~ BOPU.

(2001 In-house code § 44-76)

13.12.380 - Workmanship—Inspection of work.

The permittee is required to submit detailed written specifications covering proposed methods of trenching, laying, and backfilling to the ~~board~~ BOPU for approval. Specifications must be based upon good and acceptable engineering standards of construction and shall meet the standards and specifications established by the ~~board~~ BOPU. Permittees shall guarantee to the ~~board~~ BOPU that the trenching will be properly and safely done. The laying of pipe shall be properly accomplished as to pipe bedding, laying to line, grade, and tightness, backfilling around the pipe and compaction in the backfilling of the trench. Specifications shall properly address all phases of the installation of all appurtenances to sewerage facilities. When instructed by the ~~board~~ BOPU, the permittee will not proceed with any phase of construction without a ~~board~~ BOPU inspector being notified in advance of construction. All sewer lines must be laid from a manhole or other interception point of an existing sewer in the upgrade direction progressing from the lowest point to the terminus at the highest point. No exceptions to this rule will be allowed. Individual building stub-ins must be laid from the main sewer line toward the individual service in an upgrade direction. Inspections of all sewer lines will be performed by swabbing the sewer lines for cleanliness, lamping for straightness and approved testing for tightness.

(2001 In-house code § 44-77)

13.12.390 - Exceptions to permit, bond and workmanship requirements.

Sewerage facilities constructed by the ~~board~~ BOPU are exempt from Sections 13.12.350 through 13.12.380 of this Chapter.

(2001 In-house code § 44-78)

13.12.400 - Penalty for violations—Denial or revocation of permit.

Persons who violate or fail to comply with any provision of this title shall, upon conviction, be punished as provided by the general penalty code provision of the city code. Each day any violation exists constitutes a separate offense. The ~~board~~ BOPU may deny an application for a permit when the applicant is either in default or in danger of defaulting on an existing permit. The ~~board~~ BOPU also is authorized to suspend or revoke existing permits if the permittee fails to comply with this title or instructions from the ~~board~~ BOPU.

(2001 In-house code § 44-79)

## Chapter 13.16 - STORM SEWERS

Sections:

13.16.010 - Storm sewer construction.

Storm sewer construction shall be accomplished under the authority of the city engineer.

(2001 In-house code § 44-80)

13.16.020 - Permit fees and permits required.

The city engineer shall collect all fees due and issue building permits prior to commencement of construction. Permit fees shall be established by the board with the approval of the governing body.

Special appurtenances shall pay a fee of one percent of the total estimated cost of such appurtenance in place. Should a contractor elect to work on a Saturday, Sunday or legal holiday, special permits at a rate established by the board and approved by the governing body per day shall be required. Such permits shall be paid for at least twenty-four (24) hours in advance of issuance.

(2001 In-house code § 44-81)

13.16.030 - Licenses required.

Contractors constructing storm sewer facilities shall obtain a sewer and water main facility contractor's license in accordance with the city code.

(2001 In-house code § 44-82)

#### Chapter 13.20 - WASTEWATER TREATMENT AND DISPOSAL<sup>[1]</sup>

Footnotes:

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**Editor's note**— Ord. No. 4002, § 1, approved October 28, 2013, repealed the former Chapter 13.20, §§ 13.20.010—13.20.460, and enacted a new Chapter 13.20 as set out herein. The former Chapter 13.20 pertained to similar subject matter and derived from the 2001 In-house code §§ 45-1—45-46.

#### Article 1. - General Pretreatment Requirements

13.20.010 - Purpose and authority.

The purpose of this Chapter is:

- A. To establish uniform requirements for direct and indirect ~~contributors~~ **Industrial Users** to the wastewater collection and treatment system owned and operated by the ~~city~~ **city of Cheyenne** through its ~~board~~ **BOPU pursuant to Title 13 of City Code** and to comply with applicable state and federal laws, including the Clean Water Act (33 United States Code [U.S.C.] Section 1251 *et seq.*, and the General Pretreatment Regulations (40 CFR ~~pt Part~~ **403**)). The objectives of this Chapter are:
1. To prevent the introduction of pollutants into the publicly owned treatment works (POTW) that will interfere with its operation;
  2. To prevent the introduction of pollutants into the POTW that will pass through the POTW, inadequately treated, into receiving waters, recycle or reuse systems, or otherwise be incompatible with the POTW;
  3. To protect both POTW personnel who may be affected by wastewater and sludge in the course of their employment and the general public;
  4. To promote reuse and recycling of industrial wastewater and sludge from the POTW;
  5. To provide for fees for the equitable distribution of the cost of operation, maintenance, and improvement of the POTW; and
  6. To enable the ~~city~~ **BOPU** to comply with its Wyoming Pollutant Discharge Elimination System ~~permit~~ **Permit (WYPDES)** conditions, sludge use and disposal requirements, and any other federal or state laws to which the POTW is subject.

- B. The provisions of this Chapter shall apply to all **Industrial** Users of the POTW; authorizes the issuance of Individual Wastewater Discharge Permits; provides for monitoring, compliance, and enforcement activities; establishes administrative review procedures, and requires **Industrial** User reporting.

(Ord. No. 4002, § 1, 10-28-13)

#### 13.20.020 - Administration.

Except as otherwise provided herein, the ~~control authority~~ **BOPU** shall administer, implement, and enforce the provisions of this Chapter. Any powers granted to or duties imposed upon the ~~control authority~~ **BOPU** may be delegated ~~by the control authority~~ to a duly authorized ~~board~~ **BOPU** employee.

(Ord. No. 4002, § 1, 10-28-13)

#### 13.20.030 - Definitions.

Unless a provision explicitly states otherwise, the following definitions of terms and phrases, as used in this Chapter, shall apply in the interpretation and enforcement of this Chapter:

"5-Day Biochemical Oxygen Demand" (BOD) means the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedures for five days at twenty (20) degrees centigrade, usually expressed as a concentration (e.g., mg/L).

"Act" or "the Act" means the Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C. Section 1251 et seq.

"Approval Authority" means the Region 8 EPA Administrator (~~Industrial Pretreatment Coordinator~~) or his or her duly Authorized Representative.

"Authorized Representative of the ~~user~~ **Industrial User**" or "Duly Authorized Representative of the ~~user~~ **Industrial User**" means:

1. If the ~~user~~ **Industrial User** is a corporation:
  - a. The president, secretary, treasurer, or a vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation; or
  - b. The manager of one or more manufacturing, production, or operating facilities, provided the manager is authorized to make management decisions that govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiate and direct other comprehensive measures to assure long-term environmental compliance with environmental laws and regulations; can ensure that the necessary systems are established or actions taken to gather complete and accurate information for Individual Wastewater Discharge Permit [or general permit] requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.
2. If the ~~user~~ **Industrial User** is a partnership or sole proprietorship:
  - a. A general partner or proprietor, respectively.
3. **If the Industrial User is a Limited Liability Company (LLC):**
  - a. **The managing member(s) of the LLC.**
4. If the ~~user~~ **Industrial User** is a federal, state, or local governmental facility:
  - a. A director or highest official appointed ~~or designated~~ to oversee the operation and performance of the activities of the government facility, ~~or their designee.~~

5. The representatives described in ~~paragraph 1 through 3-4~~ subdivisions (1)-(4) above ~~may~~ shall designate a Duly Authorized Representative of the authorization ~~is~~ in writing, the authorization specifies the individual or position responsible for the overall operation of the facility from which the discharge originates or having overall responsibility for environmental matters for the company, and the written authorization is submitted to the ~~board~~ BOPU. ~~Information is to be submitted to the BOPU, in writing, within two weeks of request from the BOPU.~~
6. ~~If an authorization under subdivision (5) of this section is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, or overall responsibility for environmental matters for the company, a new authorization satisfying the requirements of subdivision (1)-(5) of this section must be submitted in writing to the BOPU prior to or together with any reports to be signed by an Authorized Representative.~~

"Best Management Practice (BMP)" or "Best Management Practices" (BMPs) means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to implement the prohibitions listed in 40 CFR Section 403.5(a)(1) and (b), and Section 13.20.050 of this Chapter. BMPs include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw materials storage. ~~BMPs shall be considered Local Limits and Pretreatment Standards for the purposes of these Regulations and Section 307(d) of the Act, as specified at 40 CFR Section 403.5(c)(4).~~

~~"5 Day Biochemical Oxygen Demand" (BOD) means the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedures for five days at twenty (20) degrees centigrade, usually expressed as a concentration (e.g., mg/L).~~

~~"Board" or "BOPU" means the Board of Public Utilities of the city of Cheyenne, Wyoming, or its designated representative.~~

~~"Bypass" means the intentional diversion of waste streams from any portion of an industrial user's treatment facility.~~

"Categorical Pretreatment Standard" or "Categorical Standard" means any regulation containing pollutant discharge limits promulgated by EPA in accordance with Sections 307(b) and (c) of the Act (33 U.S.C. Section 1317) that apply to a specific category of **Industrial Users** and that appear in 40 CFR Chapter I, Subchapter N, Parts 405-471.

"Categorical Industrial User" means an Industrial User subject to a Categorical Pretreatment Standard ~~or categorical standard.~~

"Chemical Oxygen Demand" or "COD" means a measure of the oxygen required to oxidize all compounds, both organic and inorganic, in water.

"City" means the city of Cheyenne, a municipal corporation of the state of Wyoming, and its ~~BOPU Board of Public Utilities.~~

~~"Control authority" means the board of public utilities (BOPU) of the city of Cheyenne, its director, water reclamation division manager or designated representative(s).~~

"Daily maximum" means the arithmetic average of all effluent samples for a pollutant collected during a calendar day.

"Daily maximum limit" means the maximum allowable discharge limit of a pollutant during a calendar day. Where daily maximum limits are expressed in units of mass, the daily discharge is the total mass discharged over the course of the day. Where daily maximum limits are expressed in terms of a concentration, the daily discharge is the arithmetic average measurement of the pollutant concentration derived from all measurements taken that day.

"Director" means the Director of the BOPU, as defined in Wyoming Statutes, who shall have general supervision over all activities, property, and employees of the BOPU, or his or her authorized representative.

"Environmental Protection Agency" or "EPA" means the United States Environmental Protection Agency or, where appropriate, the Regional Water Management Division Director, the Regional Administrator, or other duly authorized official of said agency.

"Existing source" means any source of discharge that is not a "new source."

"Flow measurement device" means an instrument or apparatus for measuring the quantity of water or wastewater.

"Grab sample" means a sample that is taken from a waste stream without regard to the flow in the waste stream and over a period of time not to exceed fifteen (15) minutes.

"Indirect Discharge" or "Discharge" means the introduction of pollutants into the POTW from any nondomestic source, regulated under Section 307 (b), (c) or (d) of the Act ~~including holding tank waste from a non-domestic user discharged into the POTW.~~

"Industrial Pretreatment Program" or "IPP" means the part of the BOPU that is the local control authority for the U.S. Environmental Protection Agency (EPA). The program is responsible for enforcing the local and federal regulations that are designed to protect the POTW's infrastructure, reduce pollutant levels discharged by industries and other nondomestic wastewater sources prior to entering the BOPU Sewer System, and the environment.

"Industrial User" ~~or "user" means any person who introduces pollutants into a POTW from any nondomestic source regulated under the Act, state law or local ordinance including but not limited to industrial, commercial, service or food service businesses.~~ means a source of Indirect Discharge or any other industrial or commercial facility or business that has a sewer connection to the POTW, whether the Industrial User discharges non-domestic water.

"Instantaneous limit" means the maximum ~~or minimum~~ concentration of a pollutant ~~or pollutant property~~ allowed to be discharged at any time ~~determined from the analysis of any discrete or composited sample collected, independent of the industrial flow rate and the duration of the sampling event,~~ as determined by use of a grab sample or direct measurement.

"Interference" means a discharge that, alone or in conjunction with a discharge or discharges from other sources, inhibits or disrupts the POTW, its treatment processes or operations or its sludge processes, use or disposal; and therefore, is a cause of a violation of the BOPU's WYPDES permit, ~~as defined below~~, or of the prevention of sewage sludge use or disposal in compliance with any of the following statutory/regulatory provisions or permits issued there under, or any more stringent state or local regulations: Section 405 of the Act; the Solid Waste Disposal Act, including Title II commonly referred to as the Resource Conservation and Recovery Act (RCRA); any state regulations contained in any state sludge management plan prepared pursuant to Subtitle D of the Solid Waste Disposal Act; the Clean Air Act; the Toxic Substances Control Act, and the Marine Protection, Research, and Sanctuaries Act.

"Local Limit" means specific discharge limits developed and enforced by the ~~control authority~~ BOPU upon Industrial ~~or commercial facilities~~ Users to implement the General and Specific discharge prohibitions listed in ~~40 CFR 403.5(a)(1) and (b)~~ Section 13.20.050 of this Chapter.

"Medical Waste" means isolation wastes, infectious agents, human blood and blood products, pathological wastes, sharps, body parts, contaminated bedding, surgical wastes, potentially contaminated laboratory wastes, and dialysis wastes, ~~in amounts that will cause or contribute to Pass Through or Interference.~~

"Monthly average" means the sum of all daily discharges measured during a calendar month divided by the number of 'daily discharges' measured during that month.

"Monthly average limit" means the highest allowable average of daily discharges over a calendar month, calculated as the sum of all daily discharges measured during a calendar month divided by the number of daily discharges measured during that month.

"National Pretreatment Standard", "Pretreatment Standard" or "Standard" means any regulation containing pollutant discharge limits promulgated by the EPA in accordance with Section 307(b) and (c) of the Act (33 U.S.C. Section 1317) which applies to Industrial Users. This term includes prohibitive discharge limits established pursuant to ~~40 CFR, part 403.5~~ Section 13.20.050 of this Chapter.

~~"National Pollution Discharge Elimination System Permit" or "NPDES permit" means a permit issued pursuant to Section 402 of the Act (33 U.S.C. Section 1342).~~

"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 that will be applicable to such source if such standards are thereafter promulgated in accordance with that section, provided that:
  - a. The building, structure, facility, or installation is constructed at a site at which no other source is located; or
  - b. The building, structure, facility, or installation totally replaces the process or production equipment that causes the discharge of pollutants at an Existing Source; or
  - c. The production 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)(b) or (c) above but otherwise alters, replaces, or adds to existing process or production equipment.
3. Construction of a New Source as defined under this paragraph has commenced if the owner or operator has:
  - a. Begun, or caused to begin, as part of a continuous onsite construction program:
    - i. Any placement, assembly, or installation of facilities or equipment; or
    - ii. 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
  - b. Entered into a binding contractual obligation for the purchase of facilities or equipment which is 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 paragraph.

"Noncontact cooling water" means water used for cooling that does not come into direct contact with any raw material, intermediate product, waste product, or finished product.

"North American Industry Classification System Code" or "NAICS Code" means the industrial classification scheme developed by the United States (U.S.) Office of Management and Budget used to classify business establishments for the collection, tabulations, presentation, and analysis of statistical data describing the U.S. economy. Also, see Standard Industrial Classification Code.

"Operation and maintenance" or "O&M" means all expenditures made during the useful life of the treatment works for materials, labor, administration and other items which are necessary for managing, operating and maintaining the treatment works. The term "operation and maintenance" includes the costs of replacing equipment, accessories, and appurtenance of treatment works.

"Pass Through":

1. Means a discharge which exits the POTW into waters of the United States in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the ~~city's~~ BOPU's WYPDES Permit as defined below, including an increase in the magnitude or duration of a violation.
2. Means a failure of pretreatment equipment, devices or technology to capture prohibited waste from an Industrial User's discharge, which directly or indirectly causes the discharge of the prohibited waste into the POTW.



"Person" means any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity, or any other legal entity; or their legal representatives, agents, or assigns. This definition includes all federal, state, and local governmental entities.

"pH" means a measure of the acidity or alkalinity of a solution, expressed in standard units.

"Pollutant" means dredged spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, sewage sludge, munitions, medical wastes, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt, municipal, agricultural and industrial wastes, and certain characteristics of wastewater (e.g., pH, temperature, TSS, turbidity, color, BOD, COD, toxicity, or odor).

"Pretreatment" 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 the POTW. This reduction or alteration can be obtained by ~~chemical, or biological processes; by process changes; or by other means, except by diluting the concentration of the pollutants unless allowed by an applicable pretreatment standard.~~ physical, chemical, or biological process changes or by other means except as prohibited by 40 CFR Section 403.6(d), unless authorized by an applicable Pretreatment Standard. Appropriate pretreatment technology includes control equipment, such as equalization tanks or facilities, for protection against surges or slug loadings that might interfere with or otherwise be incompatible with the POTW. However, where wastewater from a regulated process is mixed in an equalization facility with unregulated wastewater or with wastewater from another regulated process, the effluent from the equalization facility must meet an adjusted pretreatment limit calculated in accordance with 40 CFR Section 403.6(e).

"Pretreatment Requirements" means any substantive or procedural requirement related to Pretreatment imposed on an Industrial User, other than a National Pretreatment Standard.

~~"Pretreatment standards" or "standards" means prohibited discharge standards, categorical pretreatment standards, and local limits.~~

"Prohibited Discharge Standards" or "Prohibited Discharges" means absolute prohibitions against the discharge of certain ~~substances; these prohibitions appear~~ pollutants as specified in Section 13.20.050 of this chapter.

"Publicly Owned Treatment Works" or "POTW" means a treatment works, as defined by Section 212 of the Act (33 U.S.C. Section 1292), which is owned by the city. This definition includes any devices or systems used in the collection, storage, treatment, recycling, and reclamation of sewage or industrial wastes of a liquid nature and any conveyances, which convey wastewater to or from a treatment plant. ~~The term also means the municipality as defined in Section 502(4) of the Act, which has jurisdiction over the indirect discharges from such a treatment works.~~ The term also means the municipality as defined in section 502(4) of the Act, which has jurisdiction over the Indirect Discharges to and the Discharges from such a treatment works.

"Sector Control Program" is a program designed to control specific pollutants from Industrial Users with similar operations, waste generation, or treatment through the implementation of Pretreatment Standards and Requirements, including Best Management Practices. The Sector Control Program requirements may be found in Section 13.20.545 of this Chapter.

"Sewer use surcharge" means a monthly charge to Industrial Users of the POTW based on sewage volume, strength and/or flow.

"Septic tank waste" means any sewage from holding tanks such as vessels, chemical toilets, campers, trailers, and septic tanks.

"Sewage" means human excrement and gray water (household showers, dishwashing operations, etc.).

"Significant Industrial User" or "SIU" means, except as provided in ~~paragraphs 3 and 4~~ subdivision (3) and (4) below:

1. An Industrial User subject to a Categorical Pretreatment Standard under 40 CFR Section 403.6 and 40 CFR chapter I, subchapter N; or
2. An Industrial User that:

- a. Discharges an average of twenty-five thousand (25,000) gallons per day or more of process wastewater to the POTW (excluding sanitary, noncontact cooling and boiler blow down wastewater);
  - b. Contributes a process waste stream which makes up five percent or more of the average dry weather hydraulic or organic capacity of the POTW treatment plant; or
  - c. Is designated as such by the **control authority BOPU** on the basis that it has a reasonable potential for adversely affecting the POTW's operation or for violating any Pretreatment Standard or Requirement, **in accordance with 40 CFR Section 403.8(f)(6)**.
3. The BOPU may determine that an Industrial User subject to a Categorical Pretreatment Standard is a Non-Significant Categorical Industrial User rather than a Significant Industrial User on a finding that the Industrial User never discharges more than one hundred (100) gallons per day of total Categorical wastewater (excluding sanitary, non-contact cooling and boiler blow down wastewater, unless specifically included in the Pretreatment Standard) and the following conditions are met:
    - a. The Industrial User, prior to BOPU's finding, has consistently complied with all applicable Categorical Pretreatment Standards and Requirements;
    - b. The Industrial User annually submits the certification statement required in Section 13.20.530 (B) of this Chapter together with any additional information necessary to support the certification statement; and
    - c. The Industrial User never discharges any untreated concentrated wastewater.
  4. Upon a finding that **a an Industrial** User meeting the criteria in **paragraph 2 subdivision (2)** above has no reasonable potential for adversely affecting the POTW's operation or for violating any Pretreatment Standard or Requirement, the BOPU may at any time, on its own initiative or in response to a petition received from an Industrial User, and in accordance with procedures in 40 CFR 403.8(f)(6), determine that such **Industrial** User should not be considered a Significant Industrial User.

**"Significant noncompliance" means:**

- ~~1. Chronic violations of wastewater discharge limits, defined here as those in which sixty-six (66) percent or more of all the measurements for each pollutant parameter taken during a six-month period exceed, by any magnitude, the daily maximum limit or the average limit for the same pollutant parameter;~~
- ~~2. Technical review criteria (TRC) violations, defined here as those in which thirty-three (33) percent or more of all the measurements for each pollutant parameter taken during a six-month period equal or exceed the product of the daily maximum limit or the average limit multiplied by the applicable TRC (TRC = 1.4 for BOD, TSS, fats, oil, and grease, and 1.2 for all other pollutants except pH);~~
- ~~3. Any other violation of a pretreatment effluent limit (daily maximum or longer-term average) that the BOPU determines has caused, alone or in combination with other discharges, interference or pass-through (including endangering the health of POTW personnel or the general public);~~
- ~~4. Any discharge of a pollutant that has caused imminent endangerment to human health, welfare or to the environment or has resulted in the POTW's exercise of its emergency authority under 40 C.F.R. Section 403.8(f)(1)(vi)(B) to halt or prevent such a discharge;~~
- ~~5. Failure to meet, within ninety (90) days after the schedule date, a compliance schedule milestone contained in a local control mechanism or enforcement order for starting construction, completing construction or attaining final compliance;~~
- ~~6. Failure to provide, within thirty (30) days after the due date, required reports such as baseline monitoring reports, ninety (90) day compliance reports, periodic self-monitoring reports, and reports on compliance with compliance schedules;~~
- ~~7. Failure to accurately report noncompliance; or~~
- ~~8. Any other violations which the control authority determines will adversely affect the operation or implementation of the local pretreatment program.~~

"Slug Load" or "Slug Discharge" means any discharge at a flow rate or concentration, which could cause a violation of the Prohibited Discharge standards in Section 13.20.050 of this Chapter. A Slug Discharge is any discharge of a non-routine, episodic nature, including but not limited to an accidental spill or a non-customary batch discharge, which has a reasonable potential to cause Interference or Pass Through, or in any other way violate the POTW's regulations, Local Limits or permit conditions.

"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, as amended. Also, see "North American Industry Classification System Code".

"State" means the State of Wyoming.

"Stormwater" means any flow occurring during or following any form of natural precipitation, and resulting from such precipitation, including snowmelt.

"Toxic pollutant" means any pollutant or combination of pollutants identified as toxic pursuant to Section 307(a) of the Act or other federal statutes or in regulations promulgated by the state under state law.

"Total Suspended Solids" or ~~"suspended solids"~~ "TSS" means the total suspended matter that floats on the surface of, or is suspended in, water, wastewater, or other liquid, and that is removable by laboratory filtering in accordance with procedures approved in 40 CFR Part 136, as amended.

"Water Reclamation Division Manager" means the person designated by the BOPU and reports to the Director and who ~~to supervise~~ supervises the operation of the POTW, and who is charged with certain duties and responsibilities by this Chapter. The term also means a duly Authorized Representative of the Manager.

"Wastewater" means liquid and water-carried industrial wastes and sewage from residential dwellings, commercial buildings, industrial and manufacturing facilities, and institutions, whether treated or untreated, which are contributed to the POTW.

"Water Reclamation Facility", "wastewater treatment plant" or "treatment plant" means that portion of the POTW which is designed to provide treatment of municipal sewage and industrial waste.

"Waters of the state" includes:

1. Both surface and groundwater within the boundaries of the state subject to its jurisdiction, including all ponds, lakes, rivers, streams, public ditches, tax ditches, and public drainage systems within the state, other than those designed and used to collect, convey or dispose of sanitary sewage, and any other waters specified by state law; and
2. The floodplain free-flowing waters determined by the department of natural resources on the basis of one hundred (100) year flood frequency.

"Wyoming Pollutant Discharge Elimination System Permit" or "WYPDES Permit" is a permit issued by the Wyoming Department of Environmental Quality pursuant to the rules adopted as Chapter (2) of the Wyoming Administrative Rules that establish special and general conditions for discharging treatment plant effluent into waters of the State by the POTW.

(Ord. No. 4002, § 1, 10-28-13)

13.20.040 - Abbreviations.

The following abbreviations, when used in this Chapter, shall have the designated meanings:

BOD	Biochemical Oxygen Demand
BMP	Best Management Practice
BMR	Baseline Monitoring Report
BOPU	Board of Public Utilities
°C	Degrees Celsius <del>or Centigrade</del>

CFR	Code of Federal Regulations
CIU	Categorical Industrial User
COD	Chemical Oxygen Demand
EPA	United States Environmental Protection Agency
°F	<del>Degrees</del> Fahrenheit
gpd	Gallons per day
<b>IPP</b>	<b>Industrial Pretreatment Program</b>
IU	Industrial User
mg	Milligrams
mg/L	Milligrams per Liter
NPDES	National Pollutant Discharge Elimination System
NSCIU	Non-Significant Categorical Industrial User
O&M	Operations and Maintenance
POTW	Publicly Owned Treatment Works
ppd	Pounds per day
RCRA	Resource Conservation and Recovery Act
SIC	Standard Industrial Classification
SWDA	Solid Waste Disposal Act
SIU	Significant Industrial User
SNC	Significant Noncompliance
TSS	Total Suspended Solids
TTO	Total Toxic Organics
ug/L	Micrograms per Liter
U.S.C.	United States Code
WYPDES	Wyoming Pollutant Discharge Elimination System
WRD	Water Reclamation Division
<del>WRDM</del>	<del>Water Reclamation Division Manager</del>

(Ord. No. 4002, § 1, 10-28-13)

13.20.050 - General ~~discharge~~ prohibitions.

- A. No Industrial User shall contribute or cause to be contributed, directly or indirectly, to the POTW any pollutant or wastewater which will Pass Through or cause Interference with the operation or performance of the POTW. These General Prohibitions **and the specific prohibitions in subsection B of this section** apply to all **the Industrial** Users of the POTW, whether or not they are subject to ~~categorical~~ Pretreatment Standards or Requirements.
- B. **Specific Prohibitions.** No Industrial User shall contribute the following substances to the POTW:
  1. Any substances which by reason of their nature or quantity may create a fire or explosion hazard or be injurious to the POTW or to the operation of the POTW, including, but not limited to, waste streams with a closed cup flashpoint of less than one hundred forty (140) degrees Fahrenheit or sixty (60) degrees Celsius using the test methods in 40 CFR Section 261.21;

2. Any solid or viscous substances which may cause obstruction to sewer flow or other interference with the operation of the POTW such as, but not limited to, grease, garbage with particles greater than one-half inch in any dimension, or any material which can be disposed of as trash;
  3. Any biological, chemical, or enzyme product, used on its own or in conjunction with other substances, that causes the liquefaction or emulsification or the act of liquifying or emulsifying fats, oil or grease;
  4. Petroleum oil, nonbiodegradable cutting oil, or products of mineral oil origin in amounts that will cause Pass Through or Interference;
  5. Any wastewater having a pH less than five or greater than eleven (11), or having any other corrosive property capable of causing damage or hazard to structures, equipment or personnel of the POTW;
  6. Any substance which may cause a public nuisance, cause hazard to life or prevent entry into the sewers for maintenance and repair;
  7. Heated substances in amounts which will prevent entry into the sewer system of authorized personnel or will inhibit biological activity in the POTW resulting in interference, but in no case heat in such quantities that the temperature at the POTW treatment plant exceeds forty (40) degrees Celsius (one hundred four (104) degrees Fahrenheit) A limit may be required in particular situations where the temperature has caused or has potential to cause Pass Through of an interceptor, Pass Through or Interference in the POTW;
  8. Any pollutant which results in the presence of toxic gases, vapors or fumes within the POTW in a quantity that may cause acute worker health and safety problems;
  9. Any trucked or hauled pollutants, except at discharge points designated by the POTW BOPU;
  10. Any pollutant, including oxygen demanding pollutants, released in a discharge at a flow rate and/or concentration (including any slug load) which may cause interference to the POTW;
  11. Wastewater which imparts color which cannot be removed by the treatment process, such as, but not limited to, dye wastes and vegetable tanning solutions, which consequently imparts color to the treatment plant's effluent, thereby violating the city's BOPU's WYPDES permit;
  12. Wastewater containing any radioactive wastes or isotopes except in compliance with applicable state or federal regulations;
  13. Stormwater, surface water, ground water, artesian well water, roof runoff, subsurface drainage, swimming pool drainage, condensate, deionized water, noncontact cooling water, and unpolluted wastewater, unless specifically authorized by the control authority BOPU;
  14. Sludges, screenings, or other residues from the pretreatment of industrial wastes;
  15. Wastewater causing, alone or in conjunction with other sources, the treatment plant's effluent to fail toxicity test;
  16. Detergents, surface-active agents, or other substances that might cause excessive foaming in the POTW;
  17. Bulk, expired, outdated, or concentrated prescription and non-prescription drugs, that will cause or contribute to Pass Through or Interference.
- C. ~~Pollutants, substances, or wastewater prohibited by this section shall not be processed or stored in such a manner that they could be discharged to the POTW.~~ No chemicals, or substances, including but not limited to, paints, solvents, boiler or water treatment chemicals, sludges, chemicals, or wastes shall be stored in proximity to a floor drain or other sewer openings unless secondary containment is provided or there are physical barriers to entry to the wastewater collection system. The storage of any chemicals, materials, substances, or wastes that leak or have potential to leak or discharge into the POTW which may create an explosion hazard or in any way have a deleterious effect to the POTW or constitute a nuisance or a hazard to POTW personnel, the general public, the environment, or the receiving stream shall be prohibited.

(Ord. No. 4002, § 1, 10-28-13)

13.20.060 - National Categorical Pretreatment Standards.

~~Users~~ A Categorical Industrial User must comply with ~~the applicable~~ Categorical Pretreatment Standards found at 40 CFR Chapter I, Subchapter N, ~~Parts 405—471~~ Parts 405-471.

- A. Where a Categorical Pretreatment Standard is expressed only in terms of either the mass or the concentration of a pollutant in wastewater, the ~~control authority~~ BOPU may impose equivalent concentration or mass limits in accordance with subsections E and F of this section.
- B. When the limits in a Categorical Pretreatment Standard are expressed only in terms of mass of pollutant per unit of production, the ~~control authority~~ BOPU may convert the limits to equivalent limitations expressed either as mass of pollutant discharged per day or effluent concentration for purposes of calculating effluent limitations applicable to individual Industrial Users.
- C. When wastewater subject to a Categorical Pretreatment Standard is mixed with wastewater not regulated by the same standard, the ~~control authority~~ BOPU shall impose an alternate limit in accordance with 40 CFR Section 403.6(e).
- D. When a Categorical Pretreatment Standard is expressed only in terms of pollutant concentrations, an Industrial User may request that the BOPU convert the limits to equivalent mass limits. The determination to convert concentration limits to mass limits is within the discretion of the Industrial Pretreatment Program. The BOPU may establish equivalent mass limits only if the Industrial User meets all the conditions set forth below.
  1. To be eligible for equivalent mass limits, the Industrial User must:
    - a. Employ, or demonstrate that it will employ, water conservation methods and technologies that substantially reduce water use during the term of its Individual Wastewater Discharge Permit;
    - b. Currently use control and treatment technologies adequate to achieve compliance with the applicable categorical Pretreatment Standard, and not have used dilution as a substitute for treatment;
    - c. Provide sufficient information to establish the facility's actual average daily flow rate for all wastestreams, based on data from a continuous effluent flow monitoring device, as well as the facility's long-term average production rate. Both the actual average daily flow rate and the long-term average production rate must be representative of current operating conditions;
    - d. Not have daily flow rates, production levels, or pollutant levels that vary so significantly that equivalent mass limits are not appropriate to control the Discharge; and
    - e. Have consistently complied with all applicable Categorical Pretreatment Standards during the period prior to the Industrial User's request for equivalent mass limits.
  2. An Industrial User subject to equivalent mass limits must:
    - a. Maintain and effectively operate control and treatment technologies adequate to achieve compliance with the equivalent mass limits;
    - b. Continue to record the facility's flow rates through the use of a continuous effluent flow monitoring device;
    - c. Continue to record the facility's production rates and notify the Industrial Pretreatment Program whenever production rates are expected to vary by more than twenty (20) percent from its baseline production rates determined in subsection (1)(c) of this Section. Upon notification of a revised production rate, the Industrial Pretreatment Program will reassess the equivalent mass limit and revise the limit as necessary to reflect changed conditions at the facility; and
    - d. Continue to employ the same or comparable water conservation methods and technologies as those implemented pursuant to subsection (1)(a) of this Section so long as it discharges under an equivalent mass limit.
  3. When developing equivalent mass limits, the Industrial Pretreatment Program:

- a. Will calculate the equivalent mass limit by multiplying the actual average daily flow rate of the regulated process(es) of the Industrial User by the concentration-based Daily Maximum and Monthly Average Standard for the applicable Categorical Pretreatment Standard and the appropriate unit conversion factor;
  - b. Upon notification of a revised production rate, will reassess the equivalent mass limit and recalculate the limit as necessary to reflect changed conditions at the facility; and
  - c. May retain the same equivalent mass limit in subsequent Individual Wastewater Discharge Permit terms if the Industrial User's actual average daily flow rate was reduced solely as a result of the implementation of water conservation methods and technologies, and the actual average daily flow rates used in the original calculation of the equivalent mass limit were not based on the use of dilution as a substitute for treatment pursuant to Section 13.20.100 of this Chapter. The Industrial User must also be in compliance with Section 13.20.380 of this Chapter regarding the prohibition of bypass.]
- E. The ~~control authority~~ BOPU may convert the mass limits of the Categorical Pretreatment Standards of 40 CFR Parts 414, 419, and 455 to concentration limits for purposes of calculating limitations applicable to individual Industrial Users. The conversion is at the discretion of the ~~control authority~~ BOPU.
- F. Once included in its permit, the Industrial User must comply with the equivalent limitations developed in this section in lieu of the promulgated Categorical Standards from which the equivalent limitations were derived.
- G. Many Categorical Pretreatment Standards specify one limit for calculating maximum daily discharge limitations and a second limit for calculating maximum monthly average, or four-day average, limitations. Where such standards are being applied, the same production or flow figure shall be used in calculating both the average and the maximum equivalent limitation.
- H. Any Industrial User operating under a permit incorporating equivalent mass or concentration limits calculated from a production-based standard shall notify the ~~control authority~~ BOPU within two business days after the Industrial User has a reasonable basis to know that the production level will significantly change within the next calendar month. Any Industrial User not notifying the ~~control authority~~ BOPU of such anticipated change will be required to meet the mass or concentration limits in its permit that were based on the original estimate of the long-term average production rate.

(Ord. No. 4002, § 1, 10-28-13)

13.20.070 - Local limits.

- A. The ~~control authority~~ BOPU is authorized to establish local limits pursuant to 40 CFR Section 403.5(c).
- B. ~~It shall be unlawful for any significant industrial user to discharge or cause to be discharged any waste or wastewater to the Crow Creek Water Reclamation facility or the Dry Creek Water Reclamation facility that exceeds the allocations established by the board. The total allocation applied through the industrial user permits shall not exceed the total maximum allowable industrial loads established by the control authority. Current limits are on file at the city clerk's office located at 2101 O'Neil Avenue and at the administration office of the BOPU located at 2416 Snyder Avenue. Current local limits are also available on the city website at CheyenneCity.org.~~ It shall be unlawful for any Significant Industrial User or other designated and permitted Industrial User to discharge or cause to be discharged any waste or wastewater to the Crow Creek Water Reclamation Facility or the Dry Creek Water Reclamation Facility that exceeds the following Daily Maximum Limit or pollutant allocations as specified in the Individual Wastewater Discharge Permit established in Section 13.20.210 of this Chapter and issued by the BOPU.

Dry Creek Water Reclamation Facility
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Pollutant	Daily Maximum Discharge Limits mg/L	Total Maximum Allowable Industrial Load (MAIL) (*) lbs/day
Arsenic	0.031	0.4348
Cadmium	0.008	0.1172
Chromium	2.43	34.0347
Copper	0.70	9.7646
Lead	0.187	2.6221
Mercury	0.0096	0.1343
Molybdenum	0.065	0.9110
Nickel	0.46	6.4162
Selenium	0.050	0.6962
Silver	0.133	1.8665
Zinc	1.67	23.4355
Biochemical Oxygen Demand (BOD <sub>5</sub> ), lbs/day	9788	9788
Total Suspended Solid (TSS), lbs/day	10447	10447

Crow Creek Water Reclamation Facility		
Pollutant	Daily Maximum Discharge Limits mg/L	Total Maximum Allowable Industrial Load (MAIL) (*) lbs/day
Arsenic	0.065	0.4625
Cadmium	0.005	0.0333
Chromium	2.40	17.0625
Copper	0.24	1.7246
Lead	0.162	1.1543
Mercury	0.0023	0.0163
Nickel	0.69	4.9048
Selenium	0.040	0.2876
Silver	0.165	1.1763
Zinc	3.04	21.6497
Biochemical Oxygen Demand (BOD <sub>5</sub> ), lbs/day	4845	4845
Total Suspended Solid (TSS), lbs/day	3071	3071

(\*) The BOPU may allocate the MAIL for a pollutant on a case-by-case basis for the Crow Creek and Dry Creek facilities to Significant Industrial Users or other permitted Industrial User discharges. The total allocations included in Individual Wastewater Discharge Permits shall not exceed the lbs/day values listed. The BOPU will base its allocation decisions upon available loading and Industrial User needs. Allocations are at the sole discretion of the BOPU.

- C. ~~The control authority BOPU may establish more stringent pollutant limits, additional site-specific pollutant limits, BMPs, or additional pretreatment requirements, by ordinance or in Individual Wastewater Discharge Permits when, in the judgment of the control authority BOPU, such limitations are necessary to implement the provisions of this Chapter.~~
- C. Benzene and BTEX. The following limits shall apply to wastewaters that are discharged from:



1. Groundwater cleanup of petroleum or gasoline underground storage tanks or other remediation wastewaters containing these pollutants;
2. Discharges where one or more of these pollutants are present; or
3. Where these pollutants are appropriate surrogates.

It shall be unlawful for any Industrial User to discharge or cause to be discharged any waste or wastewater to the POTW that exceeds the following limits:

Pollutant <sup>(1)(3)</sup>	Daily Maximum Limit (mg/L)
Benzene	0.050
BTEX <sup>(2)</sup>	0.750

- (1) All pollutants shown in the Table are total.
- (2) BTEX shall be measured as the sum of Benzene, Ethylbenzene, Toluene and Xylenes.
- (3) These limits are based upon installation of air stripping technology as described in the EPA document: "Model NPDES Permit for Discharges Resulting from the Cleanup of Gasoline Released from Underground Storage Tanks. June 1989."

- D. It shall be unlawful for any Industrial User to discharge or cause to be discharged any waste or wastewater to the Crow Creek Water Reclamation Facility or the Dry Creek Water Reclamation Facility that exceeds the following limits.

Pollutant	Daily Maximum Limit (mg/L)
Total Petroleum Hydrocarbons	50
Total Fats, Oils and Grease	100

- E. The BOPU may establish more stringent pollutant limits, additional site-specific pollutant limits, BMPs, or additional pretreatment requirements, by Ordinance or in Individual Wastewater Discharge Permits when, in the judgment of the BOPU, such limitations are necessary to implement the provisions of this Chapter.

~~(Ord. No. 4002, § 1, 10-28-13)~~

13.20.080 - Pretreatment facilities.

Industrial Users shall provide wastewater treatment as necessary to comply with this Chapter and shall achieve compliance with all Categorical Pretreatment Standards, local limits, BMPs, and the prohibitions set out in Section 13.20.050 of this Chapter within the time limitations specified by EPA, the state, or the ~~control authority~~ BOPU, whichever is more stringent. Any facilities necessary for compliance shall be provided, operated, and maintained at the Industrial User's expense. Detailed plans describing such facilities and operating procedures shall be submitted to the ~~control authority~~ BOPU for review and shall be acceptable to the ~~control authority~~ BOPU before such facilities are constructed. The review of such plans and operating procedures shall in no way relieve the Industrial User from the responsibility of modifying such facilities as necessary to produce a discharge acceptable to BOPU under the provisions of this Chapter.

(Ord. No. 4002, § 1, 10-28-13)

13.20.090 - Additional pretreatment measures.

- A. Whenever deemed necessary, the ~~control authority~~ BOPU may require Industrial Users to restrict their discharge during peak flow periods, designate that certain wastewater be discharged only into specific sewers,

relocate and/or consolidate points of discharge, separate sewage waste streams from industrial waste streams, and such other conditions as may be necessary to protect the POTW and determine the Industrial User's compliance with the requirements of this Chapter.

- B. The ~~control authority~~ BOPU may require any ~~person~~ Industrial User discharging into the POTW to install and maintain, on their property and at their expense, a suitable storage and flow-control facility to ensure equalization of flow. An Individual Wastewater Discharge Permit may be issued solely for flow equalization.
- C. Industrial Users with the potential to discharge flammable substances may be required to install and maintain an approved combustible gas detection meter.

(Ord. No. 4002, § 1, 10-28-13)

#### 13.20.100 - Dilution.

No Industrial User shall ever increase the use of process water, or in any way attempt to dilute a Discharge, as a partial or complete substitute for adequate treatment to achieve compliance with a discharge limitation unless expressly authorized by an applicable Pretreatment Standard or Requirement. In addition to taking enforcement actions, the ~~control authority~~ BOPU may impose mass limitations on Industrial Users who are using dilution to meet applicable Pretreatment standards or requirements, or in other cases when the imposition of mass limitations is appropriate.

(Ord. No. 4002, § 1, 10-28-13)

#### 13.20.110 - ~~Accidental discharge and slug control plans.~~ Slug Discharge Control Plan.

- A. The ~~control authority~~ BOPU shall evaluate whether each SIU needs ~~an accidental discharge/slug discharge control plan~~ a Slug Discharge Control Plan or other action to control slug discharges. The ~~control authority~~ BOPU may require any Industrial User to develop, submit for approval, and implement such a plan or take such other action that may be necessary to control slug discharges. Facilities necessary ~~to implement these plans to protect the POTW from a Slug Discharge~~ shall be provided and maintained at the ~~owner's or~~ Industrial User's expense. A Slug Discharge Control Plan ~~Spill prevention plans~~, including the facilities and the operating procedures, shall be approved by the ~~control authority~~ BOPU before the construction of the facility ~~or within the timeframes required by the BOPU~~.
- B. ~~An accidental discharge/slug discharge control plan~~ A Slug Discharge Control Plan shall address, at a minimum, the following:
  - 1. Description of discharge practices, including non-routine batch discharges;
  - 2. Description of stored chemicals;
  - 3. Procedures for immediately notifying the ~~control authority~~ BOPU of any accidental or slug discharge, including any discharge that would violate the Specific or General Prohibitions of Section 13.20.050, as required by Section 13.20.460, of this Chapter; and
  - 4. Procedures to prevent adverse impact from any accidental or slug discharge. Such procedures include, but are not limited to, 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.

(Ord. No. 4002, § 1, 10-28-13)

#### 13.20.120 - Notification.

- A. In the case of any discharge in violation of this Chapter or permit conditions, and in the case of any discharge that could cause problems to the POTW, including any slug discharge, as defined in Section 13.20.030 of this

Chapter, the Industrial User shall immediately notify the POTW of the discharge by telephone. The notification shall include:

1. The date, time, location and duration of the discharge;
  2. The type of waste, including estimated concentration and accurate volume; and
  3. Any corrective actions taken by the Industrial User.
- B. Within five days following such a discharge, the Industrial User shall submit a written report describing the cause of the discharge and the measures that will be taken by the Industrial User to prevent similar future discharges.
- C. Such notification shall not relieve the Industrial User of any expense, loss, damage or other liability resulting from the discharge, nor shall such notification relieve the Industrial User of any fines, civil penalties or other liability which may be imposed under this Chapter or other applicable state or federal law.
- ~~D. All Industrial Users shall promptly notify the POTW in advance of any substantial change in the volume or character of pollutants in their discharge, including the listed or characteristic hazardous wastes for which the Industrial User has submitted initial notification under 40 CFR Section 403.12(p).~~

(Ord. No. 4002, § 1, 10-28-13)

#### 13.20.130 - Employee training.

The Industrial User shall permanently post a notice ~~in a prominent place advising all employees~~ visible to all employees advising them to call the ~~control authority~~ BOPU at 307-635-3163 or 307-286-0451 in the event of a ~~dangerous slug, accidental, or other unauthorized~~ discharge for which notification is required. Employers shall advise all employees who may cause or be injured by such a discharge of the emergency notification procedure.

(Ord. No. 4002, § 1, 10-28-13)

#### ~~13.20.140 - Records.~~

~~Industrial Users subject to reporting requirements of this Chapter shall retain, and make available for inspection and copying, all records of information obtained pursuant to any monitoring activities required by this Chapter, any additional records of information obtained pursuant to monitoring activities undertaken by the Industrial User independent of such requirements, and documentation associated with BMPs established in this Chapter. Records pertaining to monitoring and sampling activities shall include date, exact place, method, and time of samples; the dates analyses were performed; who performed the analyses; the analytical techniques or methods used; and the results of such analyses. All records, including documentation associated with Best Management Practices relating to compliance with Pretreatment Standards, Local Limits, Individual Wastewater Discharge Permits, and Sector Control shall be available to the EPA, State, or BOPU upon request. Records shall remain available for at least five three (3) years after collection. This period shall be extended during any litigation concerning compliance with federal, state and local laws and regulations or permits. These records shall remain available for a period of at least three (3) years. This period shall be automatically extended for the duration of any litigation concerning the Industrial User or the BOPU, or where the Industrial User has been specifically notified of a longer retention period by the BOPU.~~

~~(Ord. No. 4002, § 1, 10-28-13)~~

#### 13.20.140 - RESERVED

#### ~~13.20.150 - Analytical requirements.~~

~~All analyses, including sampling results submitted in support of any application, reports, evidence or analysis required by any permit or order, shall be performed in accordance with the techniques prescribed in 40 CFR part 136 and amendments thereto, or if 40 CFR part 136 does not contain sampling or analytical techniques for the pollutant in question, in accordance with procedures approved by the EPA.~~

~~(Ord. No. 4002, § 1, 10-28-13)~~

13.20.150 - RESERVED

13.20.160 - Confidential information.

Information and data on an **Industrial** User obtained from reports, surveys, wastewater discharge permit applications, Individual Wastewater Discharge Permits, general permits and monitoring programs, and from the ~~control authority's~~ **BOPU's** inspection and sampling activities, shall be available to the public without restriction, unless the **Industrial** User specifically requests, and is able to demonstrate to the satisfaction of the ~~control authority~~ **BOPU**, that the release of such information would divulge information, processes, or methods of production entitled to protection as trade secrets under applicable state law. Any such request must be asserted at the time of submission of the information or data. When requested and demonstrated by the **Industrial** User furnishing a report that such information should be held confidential, the portions of a report which might disclose trade secrets or secret processes shall not be made available for inspection by the public, but shall be made available pursuant to a court order or subpoena, immediately upon request to governmental agencies for uses related to the ~~NPDES WYPDES~~ program or pretreatment program, and in enforcement proceedings involving the person furnishing the report. Wastewater constituents and characteristics and other effluent data, as defined at 40 CFR ~~part~~ **Section** 2.302, shall not be recognized as confidential information and shall be available to the public without restriction.

(Ord. No. 4002, § 1, 10-28-13)

13.20.170 - Right of entry, inspection, and sampling.

The ~~control authority~~ **BOPU** shall have the right to enter the premises of any **Industrial** User to determine whether the **Industrial** User is complying with all requirements of this Chapter and any Individual Wastewater Discharge Permit, general permit, or order issued hereunder. **Industrial** Users shall allow the ~~control authority~~ **BOPU** ready access **at all times** to all parts of the premises for the purposes of inspection, sampling, records examination and copying, **including use of digital photography, recording equipment**, and the performance of any additional duties.

- A. Where an **Industrial** User has security measures in force which require proper identification and clearance before entry into its premises, the **Industrial** User shall make necessary arrangements with its security guards so that, upon presentation of suitable identification, the ~~control authority~~ **BOPU** shall be permitted to enter without delay for the purposes of performing specific responsibilities.
- B. The ~~control authority~~ **BOPU** shall have the right to set up on the **Industrial** User's property, or require installation of, such devices as are necessary to conduct sampling and/or metering of the **Industrial** User's operations.
- C. The ~~control authority~~ **BOPU** may require the **Industrial** User to install monitoring equipment as necessary. The facility's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the **Industrial** User at its own expense. All devices used to measure wastewater flow and quality shall be calibrated ~~as often as necessary to ensure its accuracy per the manufacturer's specifications or once per year, whichever is less.~~
- D. Any temporary or permanent obstruction to safe and easy access to the facility to be inspected and/or sampled shall be promptly removed by the **Industrial** User at the written or verbal request of the ~~control authority~~ **BOPU** and shall not be replaced. The costs of clearing such access shall be borne by the **Industrial** User.
- E. Unreasonable delays in allowing the ~~control authority~~ **BOPU** access to the **Industrial** User's premises shall be a violation of the provisions of this Chapter.

(Ord. No. 4002, § 1, 10-28-13)

13.20.180 - Search warrants.

If the ~~control authority~~ BOPU has been refused access to a building, structure, or property, or any part thereof, and is able to demonstrate probable cause to believe that there may be a violation of this Chapter, or that there is a need to protect the overall public health, safety and welfare of the community, the ~~control authority~~ BOPU may seek issuance of a search warrant from the appropriate court in the state of Wyoming.

(Ord. No. 4002, § 1, 10-28-13)

## Article 2. - Administration—Wastewater Discharge Permits

### 13.20.190 - Wastewater discharges.

It is unlawful to discharge without a wastewater contribution permit to the POTW any wastewater except as authorized by the ~~control authority~~ BOPU in accordance with the provisions of this Chapter.

(Ord. No. 4002, § 1, 10-28-13)

### 13.20.200 - Wastewater analysis.

When requested by the ~~control authority~~ BOPU, an Industrial User must submit information on the nature and characteristics of its wastewater within thirty (30) days of the request. The ~~control authority~~ BOPU is authorized to prepare a form for this purpose and may periodically require users to update this information.

(Ord. No. 4002, § 1, 10-28-13)

### 13.20.210 - Individual Wastewater Discharge Permit and general permit requirement.

- A. No ~~SIU~~ Significant Industrial User (SIU) shall discharge wastewater into the POTW without first obtaining an Individual Wastewater Discharge Permit or general permit from the ~~control authority~~ BOPU, except that a SIU who has filed a timely application pursuant to Section 13.20.220 of this Chapter may continue to discharge for the time period specified therein.
- B. The ~~control authority~~ BOPU may require other Industrial Users to obtain Individual Wastewater Discharge Permits or general permits as necessary to carry out the purposes of this Chapter.
- C. Any violation of the terms and conditions of an Individual Wastewater Discharge Permit or general permit shall be deemed a violation of the provisions of this Chapter and subjects the ~~wastewater discharge~~ permittee to enforcement remedies outlined in Article 6, Administrative Enforcement Remedies, of this Chapter. Obtaining an Individual Wastewater Discharge Permit or general permit does not relieve a permittee of its obligation to comply with all federal and state pretreatment standards or requirements or with any other requirements of federal, state, and local law.

(Ord. No. 4002, § 1, 10-28-13)

~~13.20.220—Individual wastewater discharge and general permitting—Existing connections: Any user required to obtain an Individual Wastewater Discharge Permit or general permit who was discharging wastewater into the POTW prior to the effective date of the ordinance from which this Chapter is derived and who wishes to continue such discharges in the future, shall, within ninety (90) days after said effective date, apply to the control authority for an individual wastewater discharge permit or general permit, in accordance with Section 13.20.240 of this Chapter, and shall not cause or allow discharges to the POTW to continue after thirty (30) days of the effective date except in accordance with an individual wastewater discharge permit or general permit issued by the control authority.~~

13.20.220 – Existing Industrial Users: Applying for an Individual Wastewater Discharge Permit Re-issuance

An Industrial User with an expiring Individual Wastewater Discharge Permit shall apply for a new Permit by submitting a complete wastewater Individual Wastewater Discharge Permit application at least ninety (90) days prior to the expiration of the Industrial User's existing Permit. The Industrial User shall file an Individual Wastewater Discharge Permit on forms provided by the BOPU containing the information specified in Section 13.20.240 of this Chapter. An Individual Wastewater Discharge Permit application containing incomplete or inaccurate information will not be processed and will be returned to the Industrial User. An Industrial User with an existing Individual Wastewater Discharge Permit that has filed a complete and timely application may continue to discharge, as approved in writing by the BOPU, through an administrative extension of the existing permit if the delay in permit issuance is not due to any act or failure to act on the Industrial User's part. This shall not apply if the duration of the Wastewater Discharge Permit is five years.

(Ord. No. 4002, § 1, 10-28-13)

#### 13.20.230 - Individual Wastewater Discharge and General Permitting—New connections.

Any Industrial User required to obtain an Individual Wastewater Discharge Permit or general permit who proposes to begin or recommence discharging into the POTW must obtain such permit prior to the beginning or recommencing of such discharge. An application for the Individual Wastewater Discharge Permit or general permit, in accordance with Section 13.20.240 of this Chapter, must be filed at least ninety (90) days prior to the date upon which any discharge will begin or recommence.

(Ord. No. 4002, § 1, 10-28-13)

#### 13.20.240 - Individual Wastewater Discharge and general permit application—Contents.

- A. All Industrial Users required to obtain an Individual Wastewater Discharge Permit or general permit must submit a permit application. Industrial Users that are eligible may request a general permit under Section 13.20.250 of this Chapter. The ~~control authority~~ BOPU may require Industrial Users to submit all or some of the following information as part of the permit application:
1. Identifying information:
    - a. The name and address of the facility, including the name of the ~~operator~~ Authorized Representative and owner.
    - b. Contact information, description of activities, facilities, and plant production processes on the premises.
  2. Environmental permits:
    - a. A list of any environmental control permits held by or for the facility.
  3. Description of operations:
    - a. Brief description of the nature, average rate of production (including each product produced by type, amount, processes, and rate of production), ~~and standard industrial classifications and Standard Industrial Classifications or North American Industry Classification System Code~~ of the operation(s) carried out by such Industrial User. This description should include a schematic process diagram, which indicates points of discharge to the POTW from the regulated processes.
    - b. Types of wastes generated, and a list of all raw materials and chemicals used or stored at the facility which are, or could accidentally or intentionally be, discharged to the POTW.
    - c. Number and type of employees, hours of operation, and proposed or actual hours of operation.
    - d. Type and ~~amount~~ quantity of raw materials processed (average and maximum per day).
    - e. Site plans, floor plans, mechanical and plumbing plans, and details to show all sewers, floor drains, and appurtenances by size, location, and elevation, and all points of discharge.
  4. Time and duration of discharges.

5. The location for monitoring all wastes covered by the permit.
  6. Flow measurement:
    - a. Information showing the measured average daily and maximum daily flow, in gallons per day, to the POTW from regulated process streams and other streams, as necessary, to allow use of the combined waste stream formula set out in 40 CFR Section 403.6(e).
  7. Measurement of pollutants:
    - a. The Categorical Pretreatment Standards applicable to each regulated process and any new categorically regulated processes for existing sources.
    - b. The results of sampling and analysis identifying the nature and concentration, and/or mass, where required by the standard or by the ~~control authority~~ BOPU, of regulated pollutants in the discharge from each regulated process.
    - c. Instantaneous, daily maximum, and long-term average concentrations, or mass, where required, shall be reported.
    - d. The sample shall be representative of daily operations and shall be analyzed in accordance with procedures set out in Section 13.20.490 of this Chapter. Where the standard requires compliance with a BMP or pollution prevention alternative, the **Industrial** User shall submit documentation as required by the ~~control authority~~ BOPU or the applicable standards to determine compliance with the standard.
    - e. Sampling must be performed in accordance with procedures set out in Section 13.20.500 of this Chapter.
  8. Any requests for a monitoring waiver (or a renewal of an approved monitoring waiver) for a pollutant neither present nor expected to be present in the discharge based on Section 13.20.440(B) of this Chapter.
  9. Any other information as may be deemed necessary by the ~~control authority~~ BOPU to evaluate the permit application.
- B. Incomplete or inaccurate applications will not be processed and will be returned to the **Industrial** User for revision.

(Ord. No. 4002, § 1, 10-28-13)

13.20.250 - Wastewater discharge permitting—General permits.

- A. At the discretion of the ~~control authority~~ BOPU, the ~~control authority~~ BOPU may use general permits to control SIU discharges to the POTW if the following conditions are met. All facilities to be covered by a general permit must:
  1. Involve the same or substantially similar types of operations;
  2. Discharge the same types of wastes;
  3. Require the same effluent limitations;
  4. Require the same or similar monitoring; and
  5. In the opinion of the ~~control authority~~ BOPU, are more appropriately controlled under a general permit than under Individual Wastewater Discharge Permits.
- B. To be covered by the general permit, the SIU must file a written request for coverage that identifies its contact information, production processes, the types of wastes generated, the location for monitoring all wastes covered by the general permit, any requests in accordance with Section 13.20.440(B) of this Chapter for a monitoring waiver for a pollutant neither present nor expected to be present in the discharge, and any other information the POTW deems appropriate. A monitoring waiver for a pollutant neither present nor expected to be present in the discharge is not effective in the general permit until after the ~~control authority~~ BOPU has

provided written notice to the SIU that such a waiver request has been granted in accordance with Section 13.20.440(B) of this Chapter.

- C. The ~~control authority~~ BOPU will retain a copy of the general permit, documentation to support the POTW's determination that a specific SIU meets the criteria in Section 13.20.250(A)(1)-(5) above and applicable state regulations, and a copy of the Industrial User's written request for coverage for three years after the expiration of the general permit.
- D. The ~~control authority~~ BOPU may not control an SIU through a general permit where the facility is subject to production-based Categorical Pretreatment Standards or Categorical Pretreatment Standards expressed as mass of pollutant discharged per day or for ~~IUs~~ Industrial Users whose limits are based on the combined waste stream formula or net/gross calculations described in Sections 13.20.060(C) and (D) of this Chapter.

(Ord. No. 4002, § 1, 10-28-13)

#### 13.20.260 - ~~Application~~ Industrial User Signatories and Certifications.

- A. All wastewater discharge permit applications, Industrial User reports and certification statements must be signed by an Authorized Representative of the Industrial User and contain the applicable certification statement wording contained in Section 13.20.530 of this Chapter.
- B. If the ~~designation of an authorized representative~~ Authorized Representative is no longer accurate because a different individual or position has responsibility for the overall operation of the facility or overall responsibility for environmental matters for the company, a new written authorization satisfying the requirements of this section must be submitted to the ~~control authority~~ BOPU prior to or together with any reports to be signed by an Authorized Representative.
- C. A facility determined to be a Non-Significant Categorical Industrial User by the ~~control authority~~ BOPU, pursuant to Section 13.20.030 of this Chapter, must annually submit the applicable signed certification statement referenced in subsection A (B) above.

(Ord. No. 4002, § 1, 10-28-13)

#### 13.20.270 - Individual Wastewater Discharge Permit and general permit decisions.

The ~~control authority~~ BOPU will evaluate the data furnished by the Industrial User and may require additional information. Within ~~thirty (30)~~ sixty (60) days of receipt of a complete permit application, the ~~control authority~~ BOPU will determine whether to issue an Individual Wastewater Discharge Permit or a general permit. The ~~control authority~~ BOPU may deny any application for an Individual Wastewater Discharge Permit or general permit.

(Ord. No. 4002, § 1, 10-28-13)

### Article 3. - Wastewater Contribution Permit Requirements

#### 13.20.280 - Individual Wastewater Discharge Permit and general permit - Contents.

An Individual Wastewater Discharge Permit or general permit shall include such conditions as are deemed reasonably necessary by the ~~control authority~~ BOPU to prevent Pass Through or Interference, protect the quality of the water body receiving the ~~treatment plant's~~ Water Reclamation Facility's (WRF) effluent, protect worker health and safety, facilitate sludge management and disposal, and protect against damage to the POTW.

- A. Individual Wastewater Discharge Permits and general permits must contain:
  - 1. A statement that indicates the wastewater discharge permit issuance date, expiration date and effective date;



2. A statement that the wastewater discharge permit is nontransferable without prior notification to the BOPU in accordance with Section 13.20.340 of this Chapter, and provisions for furnishing the new owner or ~~operator~~ **Authorized Representative** with a copy of the existing **Individual Wastewater Discharge Permit**;
  3. Effluent limits, including BMPs, based on applicable Pretreatment Standards;
  4. Self-monitoring, sampling, reporting, notification, and record-keeping requirements. These requirements shall include an identification of pollutants (or BMP) to be monitored, sampling location, sampling frequency, and sample type based on federal, state, and local law.
  5. The process for seeking a waiver from monitoring for a pollutant neither present nor expected to be present in the discharge in accordance with Section 13.20.440(B) **of this Chapter**.
  6. A statement of applicable **enforcement actions, including but not limited to**, civil and criminal penalties for violation of Pretreatment Standards and Requirements, and any applicable Compliance Schedule. Such schedule may not extend the time for compliance beyond that required by applicable federals, state, or local law.
  7. Requirements to control slug discharge, if determined by the ~~control authority~~ **BOPU** to be necessary.
  8. Any grant of the monitoring waiver by the ~~control authority~~ **BOPU** pursuant to Section 13.20.440(B) **of this Chapter** must be included as a condition in the **Industrial** User's permit or other control mechanism.
- B. Individual Wastewater Discharge Permits or general permits may contain, but need not be limited to, the following conditions:
1. Limits on the average and/or maximum rate of discharge, time of discharge, and/or requirements for flow regulation and equalization;
  2. Requirements for the installation of pretreatment technology, pollution control, or construction of appropriate containment devices, designed to reduce, eliminate, or prevent the introduction of pollutants into the treatment works;
  3. Requirements for the development and implementation of ~~spill control plans~~ **Slug Discharge Control Plans** or other special conditions including management practices necessary to adequately prevent accidental, unanticipated, or non-routine discharges;
  4. Development and implementation of waste minimization plans to reduce the amount of pollutants discharged to the POTW;
  5. The unit charge or schedule of **Industrial** User charges and fees for the management of the wastewater discharged to the POTW;
  6. Requirements for installation and maintenance of inspection and sampling facilities and equipment, including flow measurement devices;
  7. A statement that compliance with the Individual Wastewater Discharge Permit or general permit does not relieve the permittee of responsibility for compliance with all applicable federal and state Pretreatment Standards **and Requirements**, including those which become effective during the term of the Individual Wastewater Discharge Permit; and
  8. Other conditions as deemed appropriate by the ~~control authority~~ **BOPU** to ensure compliance with federal and state laws, statutes, and local regulations and ordinances.

(Ord. No. 4002, § 1, 10-28-13)

#### 13.20.290 - Individual Wastewater Discharge Permit and general permit - Duration.

An Individual Wastewater Discharge Permit or general permit shall be issued for a specified time period, not to exceed five years from the effective date of the permit. An Individual Wastewater Discharge Permit or general permit may be issued for a period less than five years, at the discretion of the ~~control authority~~ **BOPU**. Each Individual Wastewater Discharge Permit or general permit will indicate a specific date upon which it will expire.

The **Industrial** User shall apply for permit reissuance at least ~~one hundred eighty (180)~~ **ninety (90)** days prior to the expiration of the **Industrial** User's existing permit.

(Ord. No. 4002, § 1, 10-28-13)

#### 13.20.300 - Permit modifications.

- A. The ~~control authority~~ **BOPU** may modify an Individual Wastewater Discharge Permit or general permit for good cause, including, but not limited to, the following reasons:
1. To incorporate any new or revised federal, state, or local Pretreatment Standards or Requirements;
  2. To address significant alterations or additions to the **Industrial** User's operation, processes, or wastewater volume or character since the time of the Individual Wastewater Discharge Permit issuance;
  3. A change in the POTW that requires either a temporary or permanent reduction or elimination of the authorized discharge;
  4. Information indicating that the permitted discharge poses a threat to the POTW, personnel, biosolids use or the receiving waters;
  5. Violation of any terms or conditions of the Individual Wastewater Discharge Permit;
  6. Misrepresentations or failure to fully disclose all relevant facts in the **Individual Wastewater Discharge Permit** application or in any required reporting;
  7. Revision of or a grant of variance from Categorical Pretreatment Standards pursuant to 40 CFR ~~part~~ **Section** 403.13;
  8. To correct typographical or other errors in the Individual Wastewater Discharge Permit; or
  9. To reflect a transfer of the facility ownership or operation to a new owner or operator where requested in accordance with Section 13.20.340 **of this Chapter**.
  10. **Upon request of the Permittee, provided such request does not create a violation of any existing applicable requirements, standards, laws, or rules and regulations.**

(Ord. No. 4002, § 1, 10-28-13)

#### 13.20.310 - Permit appeals.

- A. The ~~control authority~~ **BOPU** shall provide interested persons with notice of initial decisions regarding permit issuance and conditions. Interested persons may petition the BOPU to appeal the terms of the permit within ~~thirty (30)~~ **ten (10)** days of the notice. The following rules shall apply to appeals under this section:
1. Failure to submit a timely petition for review is a waiver of the right to appeal.
  2. The appealing party must indicate which permit provisions are objected to, the reasons for objection and any alternative permit conditions sought.
  3. Conditions of the permit shall not be stayed pending appeal. After considering the petition and arguments, if the ~~control authority~~ **BOPU** determines that the appeal merits relief, the permit shall be amended as required.
  4. The BOPU's decision not to consider an appeal is final action for purposes of judicial review.
  5. Aggrieved parties seeking judicial review of the final ~~control authority~~ **BOPU** action must do so in accordance with the Wyoming Administrative Procedure Act.

(Ord. No. 4002, § 1, 10-28-13)

#### 13.20.320 - Continuation of expired permits.

- A. An expired permit, **issued for less than five years** will continue to be effective and enforceable until a permit is reissued if:
1. The Industrial User submitted a complete permit application at least **one hundred eighty (180) ninety (90)** days prior to the expiration date of the existing permit; and
  2. The failure to reissue a permit prior to expiration of the previous permit was not due to any act or omission attributable to the Industrial User.

(Ord. No. 4002, § 1, 10-28-13)

13.20.330 - Special agreements.

Nothing in this Chapter shall be construed as preventing a special agreement between the POTW and an **Industrial** User whereby wastewater of unusual strength or character is accepted to the POTW. No discharges violating Pretreatment Standards are allowed by special agreements.

(Ord. No. 4002, § 1, 10-28-13)

13.20.340 - Individual Wastewater Discharge **Permit** and general permit - Transfer.

- A. Individual Wastewater Discharge Permits or general permits may be transferred to a new owner or operator only if the permittee gives at least ninety (90) days advance notice to the **control-authority BOPU** and the **control-authority BOPU** approves the Individual Wastewater Discharge Permit or general permit transfer. The notice to the **control-authority BOPU** must include a written certification by the new owner or operator which:
1. States that the new owner and/or operator has no immediate intent to change the facility's operations and processes;
  2. Identifies the specific date on which the transfer is to occur; and
  3. Acknowledges full responsibility for complying with the existing Individual Wastewater Discharge Permit.
- B. Failure to provide advance notice of a transfer renders the Individual Wastewater Discharge Permit or general permit void as of the date of facility transfer.

(Ord. No. 4002, § 1, 10-28-13)

13.20.350 - Individual Wastewater Discharge Permit and general permit - Revocation.

- A. The **control-authority BOPU** may revoke an Individual Wastewater Discharge Permit or general permit for good cause, including, but not limited to, the following reasons:
1. Failure to notify the **control-authority BOPU** of significant changes to the wastewater prior to the changed discharge;
  2. Failure to provide prior notification to the **control-authority BOPU** of changed conditions pursuant to Section 13.20.450 of this Chapter;
  3. Misrepresentation or failure to fully disclose all relevant facts in the **Individual** Wastewater Discharge Permit application;
  4. Falsifying self-monitoring reports and certification statements;
  5. Tampering with monitoring equipment;
  6. Refusing to allow the **control-authority BOPU** or its duly Authorized Representative timely access to the facility premises and records;

7. Failure to meet effluent limitations;
  8. Failure to pay fines **and/or penalties**;
  9. Failure to pay sewer charges;
  10. Failure to meet compliance schedules;
  11. Failure to complete a ~~wastewater~~ **Industrial User** survey or the **Individual** Wastewater Discharge Permit application;
  12. Failure to provide advance notice of the transfer of business ownership of a permitted facility; or
  13. Violation of any Pretreatment Standard or Requirement, or any terms of the **Individual** Wastewater Discharge Permit or this Chapter.
- B. Individual Wastewater Discharge Permits or general permits shall be voidable upon cessation of operations or transfer of business ownership. All Individual Wastewater Discharge Permits or general permits issued to an **Industrial** User are void upon the issuance of a new Individual Wastewater Discharge Permit or general permit to that **Industrial** User.

(Ord. No. 4002, § 1, 10-28-13)

~~13.20.360— Individual wastewater discharge permit and general permit—Reissuance.~~

~~A user with an expiring individual wastewater discharge permit or general permit shall apply for individual wastewater discharge permit or general permit reissuance by submitting a complete permit application, in accordance with Section 13.20.240 of this Chapter, a minimum of ninety (90) days prior to the expiration of the user's existing individual wastewater discharge permit or general permit.~~

~~(Ord. No. 4002, § 1, 10-28-13)~~

13.20.360 – RESERVED

13.20.370 - Monitoring.

- A. **Industrial** Users shall provide and maintain in a safe and proper condition, at their own expense, facilities to allow the ~~authorized representatives of the control authority~~ **BOPU**, EPA or the state to inspect, sample or measure flows from wastewater subject to this Chapter.
- B. There shall be ample room in or near facilities to allow accurate sampling and preparation of samples for analysis.
- C. If locating such facilities on an **Industrial** User's property is impractical, the **Industrial** User may apply to the ~~control authority~~ **BOPU** for a right-of-way or for permission to construct on public property.

(Ord. No. 4002, § 1, 10-28-13)

13.20.380 - Bypass.

- A. Bypass not violating applicable Pretreatment Standards or Requirements.
  1. An Industrial User may allow any bypass to occur which does not cause Pretreatment Standards or Requirements to be violated, but only if the bypass is necessary for essential maintenance to assure efficient operation. These bypasses are not subject to subsections B and C of this section.
- B. Notice.
  1. If an Industrial User knows in advance of the need for a bypass, it shall submit prior notice to the ~~control authority~~ **BOPU**, if possible at least ten (10) days before the date of the bypass.

2. An Industrial User shall ~~orally notify~~ give written and verbal notification to the ~~control authority~~ BOPU of an unanticipated bypass that exceeds applicable Pretreatment Standards or Requirements within twenty-four (24) hours of becoming aware of the bypass. A written ~~submission report~~ shall also be provided within five days of becoming aware of the bypass. The written submission shall contain a description 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 time it is expected to continue; and steps taken or planned to reduce, eliminate and prevent recurrence of the bypass. The ~~control authority~~ BOPU may waive the written report on a case-by-case basis if the ~~oral~~ verbal report has been received within twenty-four (24) hours.

C. Prohibition of Bypass.

1. Bypass is prohibited and the ~~control authority~~ BOPU may take enforcement action against an ~~Individual Industrial~~ User for a bypass, unless:
  - a. Bypass was unavoidable to prevent loss of life, personal injury or severe property damage;
  - b. There are no feasible alternatives 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 in the exercise of reasonable engineering judgment to prevent bypass which occurred during normal periods of equipment downtime or preventative maintenance; and
  - c. The Industrial User submitted notices as required by subsection (B) of this section.
2. The ~~control authority~~ BOPU may approve an anticipated bypass, after considering its adverse effects, if the ~~control authority~~ BOPU determines that it will meet the three conditions listed in subsection (C)(1) of this Section.

(Ord. No. 4002, § 1, 10-28-13)

13.20.390 - Upset provisions.

A. Definition.

1. For the purposes of this section, "upset" means an exceptional incident in which there is unintentional and temporary noncompliance with Pretreatment Standards because of factors beyond the reasonable control of the Industrial User. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.

B. Effect of an Upset.

1. An upset shall constitute an affirmative defense to an action brought for noncompliance with Pretreatment Standards if the requirements of subsection (C) of this section are met.

C. Conditions Necessary for a Demonstration of Upset.

1. An Industrial User who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence, that:
  - a. An upset occurred and the Industrial User can identify the cause(s) of the upset;
  - b. The facility was at the time being operated in a prudent and workmanlike manner and in compliance with applicable ~~Industrial User~~ O&M procedures; and
  - c. The Industrial User has submitted the following information to the ~~control authority~~ BOPU within twenty-four (24) hours of becoming aware of the upset (if this information is provided ~~orally~~ verbally, a written submission must be provided within five days):
    - i. A description of the discharge and cause of noncompliance;

- ii. The period of noncompliance, including exact dates and times or, if not corrected, the anticipated time the noncompliance is expected to continue; and
  - iii. Steps being taken and/or planned to reduce, eliminate and prevent recurrence of the noncompliance.
- D. Burden of Proof.
  - 1. In an enforcement proceeding the Industrial User seeking to establish the occurrence of an upset shall have the burden of proof **to prove that the conditions from subsection (C)(1)(c) above have been met.**
- E. Reviewability of Agency Consideration of Claims of Upset.
  - 1. In the usual exercise of prosecutorial discretion, agency enforcement personnel should review any claims that non-compliance was caused by an upset. No determinations made in the course of the review constitute final agency action subject to judicial review. Industrial Users will have the opportunity for a judicial determination on any claim of upset only in an enforcement action as defined in the BOPU enforcement response plan brought for noncompliance with Categorical Pretreatment Standards.
- F. User Responsibility in Case of Upset.
  - 1. The Industrial User shall control production of all discharges to the extent necessary to maintain compliance with Pretreatment Standards upon reduction, loss or failure of its treatment facility until the facility is restored or an alternative method of treatment is provided. This requirement applies in the situation where, among other things, the primary source of power of the treatment facility is reduced, lost or fails.

(Ord. No. 4002, § 1, 10-28-13)

13.20.400 - Regulation of wastewater received from other jurisdictions.

- A. If another **agency, government,** municipality, or **Industrial** User located within another municipality, contributes wastewater to the POTW, the ~~control authority~~ BOPU shall enter into an **interagency, intergovernmental, or** intermunicipal agreement with the contributing **agency, government, or** municipality.
- B. Prior to entering into an agreement required by subsection (A) above, the ~~control authority~~ BOPU shall request the following information from the contributing municipality:
  - 1. A description of the quality and volume of wastewater discharged to the POTW by the contributing **agency, government, or** municipality;
  - 2. An inventory of all **Industrial** Users located within the contributing **agency, government, or** municipality that are discharging to the POTW; and
  - 3. Such other information as the ~~control authority~~ BOPU may deem necessary.
- C. An **interagency, intergovernmental, or** intermunicipal agreement, as required by subsection (A) above, shall contain the following conditions:
  - 1. A requirement for the contributing **agency, government, or** municipality to adopt a sewer use ordinance which is at least as stringent as the provisions of this Chapter, as amended, and local limits, including required baseline monitoring reports (BMRs) which are at least as stringent as those set out in Section 13.20.070 of this Chapter. The requirement shall specify that such ordinance and limits must be revised as necessary to reflect changes made to this Chapter or Local Limits;
  - 2. A requirement for the contributing **agency, government, or** municipality to submit a revised **Industrial** User inventory on at least an annual basis;
  - 3. A provision specifying which pretreatment implementation activities, including Individual Wastewater Discharge Permit or general permit issuance, inspection and sampling, and enforcement, will be conducted by the contributing **agency, government, or** municipality; which of these activities will be conducted by the ~~control authority~~ BOPU; and which of these activities will be conducted jointly by the contributing **agency, government, or** municipality and the ~~control authority~~ BOPU;

4. A requirement for the contributing ~~agency, government, or~~ municipality to provide the ~~control authority BOPU~~ with access to all information that the contributing ~~agency, government, or~~ municipality obtains as part of its pretreatment activities;
5. Limits on the nature, quality, and volume of the contributing ~~agency's, government's, or~~ municipality's wastewater at the point where it discharges to the POTW;
6. Requirements for monitoring the contributing ~~agency's, government's, or~~ municipality's discharge;
7. A provision ensuring the ~~control authority BOPU~~ access to the facilities of **Industrial** Users located within the contributing ~~agency's, government's, or~~ municipality's jurisdictional boundaries for the purpose of inspection, sampling, and any other duties deemed necessary by the ~~control authority BOPU~~; and
8. A provision specifying remedies available for breach of the terms of the ~~interagency, intergovernmental or~~ intermunicipal agreement.

(Ord. No. 4002, § 1, 10-28-13)

#### Article 4. - Reporting

##### 13.20.410 - Baseline Monitoring Report ~~(categorical dischargers only)~~:

- A. Within either one hundred eighty (180) days after the effective date of a Categorical Pretreatment Standard, or the final administrative decision on a category determination under 40 CFR **Section** 403.6(a)(4), whichever is later, existing Categorical Industrial Users currently discharging to or scheduled to discharge to the POTW shall submit to the ~~control authority BOPU~~ a report which contains the information listed in ~~Section B subsection (B)~~ below. At least ninety (90) days prior to commencement of their discharge, new sources, and sources that become Categorical Industrial Users subsequent to the promulgation of an applicable Categorical Standard, shall submit to the ~~control authority BOPU~~ a report which contains the information listed in subsection (B) below. A new source shall report the method of pretreatment it intends to use to meet applicable Categorical Standards. A new source also shall give estimates of its anticipated flow and quantity of pollutants to be discharged.
- B. **Industrial** Users described above shall submit the information set forth below:
  1. All information required in Section 13.20.240 subsections (A)(1)(a), (A)(2), (A)(3)(a), and (A)(6) **of this Chapter**.
  2. Measurement of Pollutants.
    - a. The **Industrial** User shall provide the information required in Section 13.20.240 subsections (A)(7)(a)-(d) **of this Chapter**.
    - b. The Industrial User shall take a minimum of one representative sample to compile that data necessary to comply with the requirements of this section.
    - 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 wastewater prior to pretreatment the **Industrial** User should measure the flows and concentrations necessary to allow use of the combined waste stream formula in 40 CFR Section 403.6(e) to evaluate compliance with the pretreatment standards. Where an alternate concentration or mass limit has been calculated in accordance with 40 CFR Section 403.6(e) this adjusted limit along with supporting data shall be submitted to the ~~control authority BOPU~~;
    - d. Sampling and analysis shall be performed in accordance with Section 13.20.500 **of this Chapter**;
    - e. The ~~control authority BOPU~~ may allow the submission of a Baseline **Monitoring Report (BMR)** which utilizes only historical data so long as the data provides information sufficient to determine the need for Industrial Pretreatment measures;

- f. The ~~baseline report~~ BMR 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.
3. Compliance Certification.
    - a. A statement, reviewed and certified by the ~~user's~~ Authorized Representative ~~of the Industrial User~~ as defined in Section 13.20.030 ~~of this Chapter~~ indicating whether Pretreatment Standards are being met on a consistent basis, and, if not, whether additional operation and maintenance (O&M) and/or additional pretreatment is required to meet the Pretreatment Standards and Requirements.
  4. Compliance Schedule.
    - a. If additional pretreatment and/or O&M will be required to meet the pretreatment standards, the shortest schedule by which the ~~Industrial~~ User will provide such additional pretreatment and/or O&M must be provided. The completion date in this schedule shall not be later than the compliance date established for the applicable Pretreatment Standard. A Compliance Schedule pursuant to this section must meet the requirements set out in Section 13.20.420 of this Chapter.
  5. Signature and Report Certification.
    - a. All ~~baseline monitoring reports~~ BMRs must be certified in accordance with Section 13.20.530(A) of this Chapter and signed by an Authorized Representative ~~of the Industrial User~~ as defined in Section 13.20.030 of this Chapter.

(Ord. No. 4002, § 1, 10-28-13)

#### 13.20.420 - Compliance Schedule Progress Report.

- A. The following conditions shall apply to the compliance schedule required by Section 13.20.410(B)(4) of this Chapter:
  1. The ~~Compliance~~ Schedule shall contain progress increments 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 ~~Industrial~~ User to meet the applicable Pretreatment Standards (such events include, but are not limited to, hiring an engineer, completing preliminary and final plans, executing contracts for major components, commencing and completing construction, and beginning and conducting routine operation);
  2. No increment referred to above shall exceed nine months unless extended by the ~~control authority~~ ~~BOPU~~;
  3. The ~~Industrial~~ User shall submit a progress report to the ~~control authority~~ ~~BOPU~~ no later than fourteen (14) days following each date in the schedule and the final date of compliance including, as a minimum, whether or not it complied with the increment of progress, the reason for any delay, and, if appropriate, the steps being taken by the ~~Industrial~~ User to return to the established schedule; and
  4. In no event shall more than nine months elapse between such progress reports to the ~~control authority~~ ~~BOPU~~.

(Ord. No. 4002, § 1, 10-28-13)

#### 13.20.430 - Reports on compliance with Categorical Pretreatment Standard deadline.

Within ninety (90) days following the date for final compliance with applicable Categorical Pretreatment Standards, or in the case of a new source following commencement of the introduction of wastewater into the POTW, any ~~Industrial~~ User subject to such Pretreatment Standards and Requirements shall submit to the ~~control authority~~ ~~BOPU~~ a report containing the information described in Sections 13.20.240(A)(6) and (7) and 13.20.410(B)(2) of this Chapter. For ~~Industrial~~ Users subject to equivalent mass or concentration limits established in accordance with the procedures in Section 13.20.060 ~~of this Chapter~~, this report shall contain a reasonable



measure of the **Industrial** User's long-term production rate. For all other **Industrial** Users subject to Categorical Pretreatment Standards expressed in terms of allowable pollutant discharge per unit of production (or other measure of operation), this report shall include the **Industrial** User's actual production during the appropriate sampling period. All compliance reports must be signed and certified in accordance with Section 13.20.530(A) of this Chapter. All sampling will be done in conformance with Section 13.20.500 of this Chapter.

(Ord. No. 4002, § 1, 10-28-13)

13.20.440 - Periodic compliance report.

- A. Except as specified in subsection (C) of this section, all Significant Industrial Users (**SIU**) must, at a frequency determined by the **control authority BOPU**, submit no less than twice per year (June and December or on dates specified by the **BOPU**) reports indicating the nature, concentration of pollutants in the discharge which are limited by Pretreatment Standards and the measured or estimated average and maximum daily flows for the reporting period. In cases where the Pretreatment Standard requires compliance with a BMP or pollution prevention alternative, the **Industrial** User must submit documentation required by the **control authority BOPU** or the Pretreatment Standard necessary to determine the compliance status of the **Industrial** User.
- B. The **control authority BOPU** may authorize an Industrial User subject to a Categorical Pretreatment Standard to forego sampling of a pollutant regulated by a Categorical Pretreatment Standard if the Industrial User has demonstrated through sampling and other technical factors that the pollutant is neither present nor expected to be present in the discharge, or is present only at background levels from intake water and without any increase in the pollutant due to activities of the Industrial User. This authorization is subject to the following conditions:
1. The waiver may be authorized where a pollutant is determined to be present solely due to sanitary wastewater discharged from the facility provided that the sanitary wastewater is not regulated by an applicable Categorical Standard and otherwise includes no process wastewater.
  2. The monitoring waiver is valid only for the duration of the effective period of the Individual Wastewater Discharge Permit, but in no case longer than five years. The **Industrial** User must submit a new request for the waiver before the waiver can be granted for each subsequent Individual Wastewater Discharge Permit or general permit. See Section 13.20.240 of this Chapter.
  3. In making a demonstration that a pollutant is not present, the Industrial User must provide data from at least one sampling of the facility's process wastewater prior to any treatment present at the facility that is representative of all wastewater from all processes.
  4. The request for a monitoring waiver must be signed by an Authorized Representative as defined in Section 13.20.030 of this Chapter and include the certification statement in Section 13.20.530 of this Chapter.
  5. Non-detectable sample results may be used only as a demonstration that a pollutant is not present if the EPA approved method from 40 CFR Part 136 with the lowest minimum detection level for that pollutant was used in the analysis.
  6. Any grant of the monitoring waiver by the **control authority BOPU** must be included as a condition in the **Industrial** User's permit. The reasons supporting the waiver and any information submitted by the **Industrial** User in its request for the waiver must be maintained by the **control authority BOPU** for three years after expiration of the waiver.
  7. Upon approval of the monitoring waiver and revision of the **Industrial** User's permit by the **control authority BOPU**, the Industrial User must certify on each report with the statement in Section 13.20.530(C) of this Chapter that there has been no increase in the pollutant in its waste stream due to activities of the Industrial User.
  8. In the event that a waived pollutant is found to be present or is expected to be present because of changes that occur in the **Industrial** User's operations, the **Industrial** User must immediately comply with the

monitoring requirements of Section 13.20.440(A) of this Chapter, or other more frequent monitoring requirements imposed by the ~~control authority~~ BOPU, and notify the ~~control authority~~ BOPU.

9. This provision does not supersede certification processes and requirements established in Categorical Pretreatment Standards, except as otherwise specified in the Categorical Pretreatment Standard.
- C. The ~~control authority~~ BOPU may reduce the requirement for periodic compliance reports to a requirement to report no less frequently than once a year, unless required more frequently in the Pretreatment Standard or by the EPA, where the Industrial User's total categorical wastewater flow does not exceed any of the following:
1. ~~Six hundred fifty (650) gallons per day as measured by a continuous effluent flow monitoring device unless the Industrial User discharges in batches;~~ For Industrial Users discharging to the Crow Creek WRF, six hundred fifty (650) gallons per day as measured by a continuous effluent flow monitoring device unless the Industrial User discharges in batches;
  2. For Industrial Users discharging to the Dry Creek WRF, one thousand fifty (1050) gallons per day as measured by a continuous effluent flow monitoring device unless the Industrial User discharges in batches;
  3. 0.01 percent of the maximum allowable headworks loading of the design dry-weather organic treatment capacity of the POTW; and
  4. 0.01 percent of the maximum allowable headworks loading for any pollutant regulated by the applicable Categorical Pretreatment Standard for which approved local limits were developed in accordance with Section 13.20.070 of this Chapter.

Reduced reporting is not available to Industrial Users that have in the last two years been in Significant Noncompliance, as defined in Section 13.20.550 of this Chapter. In addition, reduced reporting is not available to an Industrial User with daily flow rates, production levels, or pollutant levels that vary so significantly that, in the opinion of the ~~control authority~~ BOPU, decreasing the reporting requirement for this Industrial User would result in data that are not representative of conditions occurring during the reporting period.

- D. All periodic compliance reports must be signed and certified in accordance with Section 13.20.530(A) of this Chapter.
- E. All wastewater samples must be representative of the Industrial User's discharge. Wastewater monitoring and flow measurement facilities shall be properly operated, kept clean, and maintained in good working order at all times. The failure of an Industrial User to keep its monitoring facility in good working order shall not be grounds for the Industrial User to claim that sample results are unrepresentative of its discharge.
- F. If an Industrial User subject to the reporting requirement in this section monitors any regulated pollutant at the appropriate sampling location more frequently than required by the ~~water reclamation division manager~~ BOPU, using the procedures prescribed in Section 13.20.500 of this Chapter, the results of this monitoring shall be included in the report.
- G. ~~Users that send electronic (digital) documents to the water reclamation division to satisfy the requirements of this section must meet the requirements of the control authority BOPU.~~

(Ord. No. 4002, § 1, 10-28-13)

#### 13.20.450 - Reports of changed conditions.

- A. Each Industrial User must notify the ~~control authority~~ BOPU of any significant changes to the Industrial User's operations or system which might alter the nature, quality, or volume of its wastewater at least ninety (90) days before the change.
  1. The ~~control authority~~ BOPU may require the Industrial User to submit such information as may be deemed necessary to evaluate the changed condition, including the submission of an Individual Wastewater Discharge Permit application under Section 13.20.240 of this Chapter.
  2. The ~~control authority~~ BOPU may issue an Individual Wastewater Discharge Permit or general permit under Section 13.20.360 of this Chapter or modify an existing Individual Wastewater Discharge Permit

under Section 13.20.300 of this Chapter in response to changed conditions or anticipated changed conditions.

~~3.—Exceptions may be made at the discretion of the BOPU and addressed in an Individual Wastewater Discharge Permit.~~

(Ord. No. 4002, § 1, 10-28-13)

13.20.460 - Reports of potential problems.

- A. In the case of any discharge, including, but not limited to, accidental discharges, discharges of a nonroutine, episodic nature, a noncustomary batch discharge, a slug discharge or slug load, that might cause potential problems for the POTW, the **Industrial User** shall immediately telephone and notify the ~~control authority~~ **BOPU** of the incident. This notification shall include the location of the discharge, type of waste, concentration and volume, if known, and corrective actions taken by the **Industrial User**.
- B. Within five days following such discharge, the **Industrial User** shall, unless waived by the ~~control authority~~ **BOPU**, submit a detailed written report describing the cause(s) of the discharge and the measures to be taken by the **Industrial User** to prevent similar future occurrences. Such notification shall not relieve the **Industrial User** of any expense, loss, damage, or other liability which might be incurred as a result of damage to the POTW, natural resources, or any other damage to person or property; nor shall such notification relieve the **Industrial User** of any fines, penalties, or other liability which may be imposed pursuant to the provisions of this Chapter.
- C. A notice shall be permanently posted on the **Industrial User's** bulletin board or other prominent place advising employees who to call in the event of a discharge described in subsection (A) above. Employers shall ensure that all employees, who could cause such a discharge to occur, are advised of the emergency notification procedure.
- D. Significant Industrial Users are required to notify the ~~control authority~~ **BOPU** immediately of any changes at its facility affecting the potential for a slug discharge.

(Ord. No. 4002, § 1, 10-28-13)

13.20.470 - Notice of violation—Repeat sampling and reporting.

If sampling performed by an **Industrial User** indicates a violation, the **Industrial User** must notify the ~~control authority~~ **BOPU** within twenty-four (24) hours of becoming aware of the violation. The **Industrial User** shall also repeat the sampling and analysis **within five days** and submit the results of the repeat analysis to the ~~control authority~~ **BOPU** within thirty (30) days after becoming aware of the violation.

(Ord. No. 4002, § 1, 10-28-13)

13.20.480 - Notification of the discharge of hazardous waste.

- A. Any **Industrial User** who commences the discharge of hazardous waste shall notify the POTW, the EPA regional waste management division director, 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. Such notification must include the name of the hazardous waste as set forth in 40 CFR Part 261, the EPA hazardous waste number, and the type of discharge (continuous, batch, or other). If the **Industrial User** discharges more than one hundred (100) kilograms of such waste per calendar month to the POTW, the notification also shall contain the following information to the extent such information is known and readily available to the **Industrial User**:
  1. An identification of the hazardous constituents contained in the wastes;

2. An estimation of the mass and concentration of such constituents in the waste stream discharged during that calendar month; and
3. An estimation of the mass of constituents in the waste stream expected to be discharged during the following twelve (12) months.

All notifications must take place no later than one hundred and eighty (180) days after the discharge commences. Any notification under this section need be submitted only once for each hazardous waste discharged. However, notifications of changed conditions must be submitted under Section 13.20.450 of this Chapter. The notification requirement in this section does not apply to pollutants already reported by **Industrial Users** subject to Categorical Pretreatment Standards under the self-monitoring requirements of Sections 13.20.410, 13.20.430 and 13.20.440 of this Chapter.

- B. Dischargers are exempt from the requirements of subsection (A) above during a calendar month in which they discharge no more than fifteen (15) kilograms of hazardous wastes, unless the wastes are acute hazardous wastes as specified in 40 CFR **Section 261.30(d)** and 261.33(e). Discharge of more than fifteen (15) kilograms of nonacute hazardous wastes in a calendar month, or of any quantity of acute hazardous wastes as specified in 40 CFR **Section 261.30(d)** and 261.33(e) requires a one-time notification. Subsequent months during which the **Industrial User** discharges more than such quantities of any hazardous waste do not require additional notification.
- C. In the case of any new regulations under Section 3001 of **RCRA Resource Conservation and Recovery Act (RCRA)** identifying additional characteristics of hazardous waste or listing any additional substance as a hazardous waste, the **Industrial User** must notify the ~~control authority~~ **BOPU**, the EPA regional waste management waste division director, and state hazardous waste authorities of the discharge of such substance within ninety (90) days of the effective date of such regulations.
- D. In the case of any notification made under this section, the **Industrial User** shall certify that it has a program in place to reduce the volume and toxicity of hazardous wastes generated to the degree it has determined to be economically practical.
- E. This provision does not create a right to discharge any substance not otherwise permitted to be discharged by this Chapter, a permit issued thereunder, or any applicable federal or state law.

(Ord. No. 4002, § 1, 10-28-13)

#### 13.20.490 - Analytical requirements.

All pollutant analyses, including sampling techniques, to be submitted as part of an **Individual** Wastewater Discharge Permit application or report shall be performed in accordance with the techniques prescribed in 40 CFR Part 136 and amendments thereto, unless otherwise specified in an applicable Categorical Pretreatment Standard. If 40 CFR Part 136 does not contain sampling or analytical techniques for the pollutant in question, or where the EPA determines that the ~~Part 40 CFR~~ Part 136 sampling and analytical techniques are inappropriate for the pollutant in question, sampling and analyses shall be performed by using validated analytical methods or any other applicable sampling and analytical procedures, including procedures suggested by the ~~control authority~~ **BOPU** or other parties approved by EPA.

(Ord. No. 4002, § 1, 10-28-13)

#### 13.20.500 - Sample collection.

- A. Samples collected to satisfy reporting requirements must be based on data obtained through appropriate sampling and analysis performed during the period covered by the report, based on data that is representative of conditions occurring during the reporting period.
  1. Except as indicated in subsections (A)(2) and (A)(3) below, the **Industrial User** must collect wastewater samples using twenty-four (24) hour flow-proportional composite sampling techniques, unless time-proportional composite sampling or grab sampling is authorized by the ~~control authority~~ **BOPU**. Where

time-proportional composite sampling or grab sampling is authorized by the ~~control authority~~ BOPU, the samples must be representative of the discharge. Using protocols (including appropriate preservation) specified in 40 CFR Part 136 and appropriate EPA guidance, multiple grab samples collected during a twenty-four (24) hour period may be composited prior to the analysis as follows: For cyanide, total phenols, and sulfides the samples may be composited in the laboratory or in the field; for volatile organics and oil and grease, the samples may be composited in the laboratory. Composite samples for other parameters unaffected by the compositing procedures as documented in approved EPA methodologies may be authorized by the ~~control authority~~ BOPU, as appropriate. In addition, grab samples may be required to show compliance with instantaneous limits.

2. Samples for oil and grease, temperature, pH, cyanide, total phenols, sulfides, and volatile organic compounds must be obtained using grab collection techniques.
3. For sampling required in support of Baseline Monitoring ~~and ninety (90) day compliance~~ Reports required in Sections 13.20.410 ~~and 13.20.420 of this Chapter~~, a minimum of four grab samples must be used for pH, cyanide, total phenols, oil and grease, sulfide and volatile organic compounds for facilities for which historical sampling data do not exist; for facilities for which historical sampling data are available, the ~~control authority~~ BOPU may authorize a lower minimum. For the reports required by Section 13.20.440 ~~of this Chapter~~, the Industrial User is required to collect the number of grab samples necessary to assess and assure compliance by with applicable Pretreatment Standards and Requirements.

(Ord. No. 4002, § 1, 10-28-13)

#### 13.20.510 - Date of receipt of reports.

Written reports will be deemed to have been submitted on the date postmarked. For reports which are not mailed, postage prepaid, into a mail facility serviced by the United States Postal Service, the date of receipt of the report shall govern.

(Ord. No. 4002, § 1, 10-28-13)

#### 13.20.520 - Record keeping.

**Industrial Users** subject to the reporting requirements of this Chapter shall retain, and make available for inspection and copying, all records of information obtained pursuant to any monitoring activities required by this Chapter, any additional records of information obtained pursuant to monitoring activities undertaken by the **Industrial User** independent of such requirements, and documentation associated with BMPs established under Section 13.20.070 ~~of this Chapter~~. Records shall include the date, exact place, method, and time of sampling, and the name of the person(s) taking the samples; the dates analyses were performed; who performed the analyses; the analytical techniques or methods used; and the results of such analyses. **Industrial Users subject to the reporting requirements of Sector Control established in Section 13.20.545 of this Chapter shall retain, and make available for inspection and copying, all records pertaining to the Sector Control reporting requirements.** These records shall remain available for a period of at least three years. This period shall be automatically extended for the duration of any litigation concerning the **Industrial User** or the BOPU, or where the **Industrial User** has been specifically notified of a longer retention period by the ~~control authority~~ BOPU.

(Ord. No. 4002, § 1, 10-28-13)

#### 13.20.530 - Certification statements.

- A. Certification of permit applications, **Industrial User** reports and initial monitoring waiver.

The following certification statement is required to be signed and submitted by **Industrial Users** submitting permit applications in accordance with Section 13.20.260 ~~of this Chapter~~; **Industrial Users** submitting Baseline Monitoring Reports under Section 13.20.410(B)(5) ~~of this Chapter~~; **Industrial Users** submitting reports on compliance with the Categorical Pretreatment Standard deadlines under Section 13.20.430 ~~of this Chapter~~;

**Industrial Users** submitting periodic compliance reports required by Section 13.20.440(A)-(D) of this Chapter, and **Industrial Users** submitting an initial request to forego sampling of a pollutant on the basis of Section 13.20.440(B) of this Chapter. The following certification statement must be signed by an Authorized Representative as defined in Section 13.20.030 of this Chapter:

*“I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.”*

**B. ~~Certification of Pollutants Not Present.~~ Certification by Non-Significant Categorical Industrial Users**

~~Users that have an approved monitoring waiver based on Section 13.20.440(B) of this Chapter must certify on each report with the following statement that there has been no increase in the pollutant in its wastestream due to activities of the user.~~ An Industrial User determined to be a Non-Significant Categorical Industrial User by the BOPU pursuant to Sections 13.20.030 and 13.20.260(C) of this Chapter must annually submit the following certification statement signed in accordance with the signatory requirements in Section 13.20.260 of this Chapter. This certification must accompany an alternative report required by BOPU:

~~*Based on my inquiry of the person or persons directly responsible for managing compliance with the pretreatment standard for 40 CFR \_\_\_\_\_ [specify applicable National Pretreatment Standard part(s)], I certify that, to the best of my knowledge and belief, there has been no increase in the level of \_\_\_\_\_ [list pollutant(s)] in the wastewaters due to the activities at the facility since filing of the last periodic report under Section 13.20.440 A.*~~

~~*“Based on my inquiry of the person or persons directly responsible for managing compliance with the categorical Pretreatment Standards under 40 CFR \_\_\_\_\_, I certify that, to the best of my knowledge and belief that during the period from \_\_\_\_\_, to \_\_\_\_\_, \_\_\_\_\_ [month, days, year]:*~~

- ~~(a) The facility described as \_\_\_\_\_ [facility name] met the definition of a non-significant Categorical Industrial User as described in 40 CFR Section 403.3(v)(2);~~
- ~~(b) The facility complied with all applicable Pretreatment Standards and Requirements during this reporting period; and~~
- ~~(c) The facility never discharged more than one hundred (100) gallons of total categorical wastewater on any given day during this reporting period. This compliance certification is based upon the following information:”~~

**C. Certification of Pollutants Not Present.**

Industrial Users that have an approved monitoring waiver based on Section 13.20.440 (B) of this Chapter, must certify on each report with the following statement that there has been no increase in the pollutant in its waste stream due to activities of the Industrial User.

~~*“Based on my inquiry of the person or persons directly responsible for managing compliance with the Pretreatment Standard for 40 CFR \_\_\_\_\_ [specify applicable National Pretreatment Standard*~~

*part(s)], I certify that, to the best of my knowledge and belief, there has been no increase in the level of \_\_\_\_\_ [list pollutant(s)] in the wastewaters due to the activities at the facility since filing of the last periodic report under Section 13.20.440 (B)."*

D. Laboratory Analytical Certification.

Laboratories used to perform analytical testing for Industrial Users must certify reports with the following statement regarding their accordance with Section 13.20.490 of this Chapter in performing analysis of all samples contained in the report.

*"I certify that these analyses and resulting report(s) were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly analyze all samples and accurately report the results. I certify that all analyses were performed in accordance with methods approved for WASTEWATER under the latest revision to 40 CFR Part 136 and its amendments or, if the 40 CFR Part 136 does not contain analytical techniques for a pollutant, the method meets the requirements of Cheyenne City Code 13.20.490. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for analyzing the wastewater samples and generating the report(s), the analyses, report, and information submitted is, to the best of my knowledge and belief, true, accurate, and complete."*

(Ord. No. 4002, § 1, 10-28-13)

13.20.540 - Reports from unpermitted **Industrial Users**.

All **Industrial Users** not required to obtain an Individual Wastewater Discharge Permit or general permit shall provide appropriate reports to the ~~control authority~~ BOPU as the ~~control authority~~ BOPU may require.

(Ord. No. 4002, § 1, 10-28-13)

13.20.545 - Sector Control Program.

A. General Requirements.

1. Authority.

- a. The BOPU may establish specific Sector Control programs for Industrial Users to control specific pollutants as necessary to meet the objectives of this Chapter. Pollutants subject to these Sector Control programs shall generally be controlled using Best Management Practices (BMPs).
- b. The BOPU may implement these Sector Control programs through an Individual Wastewater Discharge Permit, by letter, an authorization to discharge, or other control mechanisms or by directly enforcing this Chapter. All Industrial Users that are covered by these Sector Control programs shall comply with this Section, whether specifically notified by the BOPU to do so.

2. Notification to the BOPU by the Industrial User and Management Review.

The BOPU shall review new construction and existing facilities undergoing any physical change triggering a building permit, change in ownership, change in operations, or other change that could change the nature, properties, or volume of wastewater discharge, to ensure that current Sector Control Program requirements are incorporated and implemented.

The Industrial User shall inform the BOPU prior to:

- a. Sale or transfer of ownership of the business.
- b. Change in the trade name under which the business is operated.
- c. Change in the nature of the services provided that affect the potential to discharge sector control program pollutants; or
- d. Remodeling of the facility that may result in an increase in flow or pollutant loading or that otherwise requires the facility to submit plans or specifications for approval through a building or zoning department, or any other formal approval process of a city, county, or other jurisdiction.

3. Inspections.

- a. The BOPU may conduct inspections of any facility with or without notice for determining applicability and/or compliance with these Sector Control programs pursuant to Section 13.20.170 of this Chapter - Right of Entry.
- b. If any inspection reveals non-compliance with any provision of a Sector Control Program requirement, corrective action shall be required.

4. Closure.

The BOPU may require closure of plumbing, treatment devices, storage components, containments, or other such physical structures that are no longer required for their intended purpose. Closure may include the removal of equipment, the filling in and/or cementing, capping, plugging, etc.

5. Enforcement and Compliance.

- a. These Sector Control Program requirements form a part of this Chapter and the BOPU may take enforcement consistent with Articles 6-8 of this Chapter.
  - b. Any extraordinary costs incurred by the BOPU due to Interference, damage, Pass Through, or maintenance necessary in the treatment and/or collection system shall be paid by the Industrial User to the BOPU. The direct costs of all labor, equipment and materials incurred in rectifying the Interference or damage, including reasonable attorney's fees, shall be billed directly to the owner or the Industrial User by the BOPU, and such costs shall become part of the total charges due and owing to the BOPU and shall constitute a lien on the owner or Industrial User until paid in full.
6. The Industrial User must notify the BOPU in writing naming the Authorized Representative and their designated Duly Authorized Representative pursuant to the definition of "Authorized Representative" and "Duly Authorized Representative" found in 13.20.030 – Definitions of this Chapter. Notification shall be made to the BOPU upon startup, when authorizations change, and when additionally required by the BOPU.

B. Best Management Practices for Fats, Oil and Grease (FOG) Facilities.

1. Definitions.

"Fats, Oil and Grease" or "FOG" means non-petroleum organic polar compounds derived from animal or plant sources such as fats, non-hydrocarbons, fatty acids, soaps, waxes, and oils that contain multiple carbon chain triglyceride molecules. These substances are detectable and measurable using the



approved method for Hexane Extractable Materials in the analytical procedures established in 40 CFR Part 136.

“Grease Interceptor” means any gravity grease interceptor, hydromechanical grease interceptor or other mechanism, device, or process, which attaches to, or is applied to, wastewater plumbing fixtures and lines, the purpose of which is to trap or collect FOG prior to it being discharged into the sewer system. Grease interceptors may also include any other proven physical method to reduce FOG subject to approval of the BOPU.

“Gravity Grease Interceptor” or “GGI” is a multi-compartmental plumbing apparatus or appliance, constructed in differing sizes, connected to a sanitary drainage system to intercept FOG from a wastewater discharge and is identified by liquid volume, thirty-minute retention time, baffle(s), a minimum of two compartments, and gravity separation.

“Hydromechanical Grease Interceptor” or “HMGI” is a plumbing apparatus or appliance typically installed inside an FSE in a sanitary drainage system to intercept FOG from the wastewater discharge, and is identified by flow rate, separation and retention efficiency. The design incorporates air entrainment, hydromechanical separation, interior baffling, and/or barriers in combination or separately, and one of the following:

- Type A: External flow control, with air intake (vent), directly connected;
- Type B: External flow control, without air intake (vent), directly connected;
- Type C: Without external flow control, directly connected;
- Type D: Without external flow control, indirectly connected.

## 2. Applicability.

These Best Management Practices (BMPs) establish requirements for any facility the BOPU determines that has the potential to discharge floatable or settleable material. The requirements established in this BMP shall apply to facilities where preparation, manufacturing, processing of food or washing/sanitizing of dishes or equipment occurs. Included food establishments may include, but are not limited to, restaurants, cafes, fast food outlets, pizza outlets, ice cream parlors, delicatessens, sandwich shops, coffee shops, schools, nursing homes and other facilities that prepare, service or otherwise make foodstuff available for consumption. Trucks containing mobile kitchens shall discharge their grease containing wastewater to a discharge point that has a grease interceptor installed such as a commissary or as otherwise required by the BOPU. These facilities shall install and maintain a Gravity Grease Interceptor (GGI), unless a variance to install and Hydromechanical Grease Interceptor (HMGI) is applied for by the Food Service Establishment (FSE) and approved by BOPU prior to installation, within ninety (90) days of being notified of such requirement or as specified by the BOPU.

3. No Industrial User covered by subsection (B)(2), above, shall discharge or cause to be discharged or Pass Through any wastewater containing free or floating oil and grease, or any discharge containing animal fat or grease by-product. Methods to determine Pass Through of fats, oils, and grease can include visual observation, mathematical calculations or laboratory analysis with results in excess of two hundred (200) milligrams per liter. Unless otherwise approved by the BOPU personnel, a food service establishment shall install and properly operate and maintain a grease interceptor approved by the BOPU, implement all required BMPs and not violate a General or Specific Prohibitions, as specified in Section 13.20.050 of this Chapter.
4. A GGI/HMGI that was legally and properly installed at an Industrial User’s facility prior to the effective date of the Ordinance adopting these Sector Control programs shall be acceptable as an alternative if such device is effective in removing floatable and settleable material and is designed and installed in such a manner that it can be inspected and properly maintained. If the BOPU determines at any time that such GGI/HMGI is incapable of adequately retaining the floatable and settleable material or if it was installed in such a manner that it cannot be inspected and properly maintained, the Industrial User shall

install a GGI/HMGI that complies with all city and BOPU building and plumbing codes within ninety (90) days after being notified of such requirement or as specified by the BOPU.

5. Location of grease interceptors.

Within two weeks of notification by the BOPU, Industrial Users with buildings or premises where grease interceptors are located shall submit in writing to the BOPU the number and location of every grease interceptor that serves the Industrial User's building or premises.

6. Unsafe or Damaged grease interceptor systems.

No Industrial User may allow any grease interceptor system or its parts to become unsafe, damaged, unsanitary or a menace to life, health or property. When an existing grease interceptor system, or its parts, is observed by the BOPU to be potentially unsafe, damaged, unsanitary or a menace to life, health or property, all necessary steps must be taken to return the grease interceptor system or its parts to full operable condition immediately. The BOPU may require the Industrial User to have the grease interceptor system inspected by a licensed plumber to determine the state of the grease interceptor system, and submit a report signed by the licensed plumber. Any repair, reconstruction, or replacement of grease interceptor systems must conform to the Uniform Plumbing Code.

7. Variance.

- a. A variance of the requirements of Chapter 13.20.545 may be granted by the BOPU. The facility has the burden of proof of demonstrating through data and other information why a variance should be granted. In no case shall a variance result in violation of any Pretreatment Standard or Requirement specified in this Chapter and applicable to the discharge. The granting of any variance shall be at the sole discretion of the BOPU and may be revoked at its discretion.
- b. Allow the installation of a HMGI or continue to allow the use of an HMGI in lieu of installing a GGI, where the HMGI is shown to be effective. If an HMGI is not shown to be effective, the IPP personnel may require the Industrial User to install a new or additional grease interceptor of appropriate grease capacity and flowrate.

8. General Control Requirements.

- a. A grease interceptor shall be required for the proper handling of liquid wastes which may be harmful to, or cause obstruction in the wastewater collection system or cause or contribute to Pass Through or Interference.
- b. It shall be the responsibility of the Industrial User and/or owner of the property to contact the city for obtaining necessary permits for the installation of a grease removal device or any modifications to the facility's plumbing. Written approval from the city and BOPU must be obtained prior to installation of the interceptor. The time of review and approval of such permits shall in no way relieve the Industrial User from the responsibility of producing a discharge acceptable to the BOPU under the provisions of this Chapter.
- c. The design and sizing of grease interceptors shall be in accordance with applicable city building codes, BOPU specifications or the building codes that are in effect for the Industrial User if located in another jurisdiction. The GGI shall be sized at a minimum of one thousand (1000) gallons, and not to exceed three thousand (3000) gallons, unless otherwise approved and granted a variance by the BOPU pursuant to subdivision (7) above, in writing prior to installation. The grease interceptor shall be sized, installed, maintained, and operated to accomplish the intended purpose of intercepting pollutants from the Industrial User's wastewater and preventing the discharge of such pollutants to the BOPU's wastewater collection system, including pollutants that result in toxic, noxious, or malodorous conditions that create a public nuisance or unsafe working conditions, which endanger life or the environment.

- d. Waste discharged from fixtures, equipment, and drain lines which may contain fats, oils, and grease, including, but not limited to scullery sinks, pot and pan sinks, dishwashing machines, soup kettles, and floor drains located in areas where grease containing equipment may exist, shall be discharged through grease interceptors. Drains from toilets, restroom sinks, and showers shall not be connected to the grease interceptor and shall connect to the sanitary sewer downstream from any grease interceptors.
- e. Upon change of ownership of any existing facility which would be required to have an interceptor under this Section, the applicant for sanitary sewer service shall have the burden to demonstrate that a properly sized and functioning grease interceptor is installed.
- f. An inspection manhole downstream or a four-inch cleanout downstream of the grease interceptor that allows for proper inspection, sampling, and flow measurement of the waste within the Industrial User's service line is required. The inspection manhole/cleanout shall be designed to accommodate H-20 traffic loading. All manholes/cleanouts must be constructed to accommodate H-20 traffic loading and to meet the requirements of the most recent city adopted International Building Code 15.08 and Plumbing Code 15.12 and BOPU's Infrastructure Policy & Design Criteria (IPDC) Manual.
- g. All sinks which are connected to a grease interceptor shall be equipped with a fixed or removable mesh or screen which shall catch garbage and food debris and prevent it from entering the GGI or HMGI. Food grinders are prohibited.
- h. Any biological, chemical or enzyme product, used on its own or in conjunction with other substances, that causes the liquefaction or emulsification or the act of liquifying or emulsifying fats, oils or grease are prohibited from introduction into the grease interceptor or the POTW.
- i. The Industrial User must ensure that grease interceptors are easily accessible for inspection, cleaning, and removal of FOG.
- j. An employee training program shall be instituted on a periodic basis and for all new employees on FOG waste management.
- k. The Industrial User must maintain grease interceptors at their expense and keep in efficient operating condition at all times by the regular removal of accumulated FOG.
- l. Pay the costs incurred by the BOPU or other jurisdiction for accelerated sewer line cleaning on the sewer line providing service between the facility and the POTW, costs to the BOPU for treating the excess strength waste and any costs for sampling and analysis.
- m. Each Industrial User that is required to use and maintain a grease interceptor, at their expense, shall keep a record of every time the grease interceptor is pumped, cleaned, or repaired. All methods of record keeping must be approved by the BOPU. Methods may include: manifests for grease disposal, grease interceptor self-cleaning logs, and reporting software programs. This record shall include, unless otherwise approved by the BOPU, at a minimum, the establishment name, address, phone number, the date and time of pumping and cleaning, the name of the company that is performing the pumping and cleaning of the grease interceptor, the amount of waste removed, Certification Statements found in Section 13.20.545 (B)(9)(h)(i-ii) of this Chapter for both the establishment and the company performing the cleaning and hauling of the grease interceptor, the printed name and signature of the responsible party for both the generator (establishment) and the transporter (company cleaning grease interceptor and hauling the waste). These records are required to be submitted to the BOPU within two weeks of the grease interceptor cleaning, or as specified by the BOPU. All records for grease interceptor cleaning or repairs shall be kept on the premises for at least three years and be available to the BOPU upon request. The removed contents from any grease interceptor shall be handled by a person licensed to haul such waste and shall be disposed of in

accordance with Federal, State and Local regulations. A grease interceptor located inside the facility may be cleaned by the establishment's employees upon approval by the BOPU provided BMPs are followed, a log approved by the BOPU is kept and submitted to the BOPU within two weeks of each cleaning or as specified by the BOPU, and the waste is disposed of in accordance with federal, state and local regulations.

Certification Statement for Establishment –

*“I acknowledge that, as the generator of grease interceptor waste, I am responsible for following the requirements of Cheyenne City Code, Chapters 13.12 and 13.20, and that failure to do so may result in fines and penalties. To the best of my knowledge, the grease interceptor cleaning service has been properly performed.”*

Certification Statement for Company performing Cleaning and Hauling –

*“I certify that I have cleaned the above grease interceptor in accordance with the Cheyenne City Code, Chapters 13.12 and 13.20. To the best of my knowledge, the waste being transported and disposed of contains no hazardous material.”*

#### 9. Required Maintenance.

- a. Grease interceptors shall be maintained by regularly scheduled cleaning so that they will properly operate as intended to efficiently intercept the fats, oil and grease from the facility's wastewater and prevent the discharge of said materials into the BOPU's wastewater collection system. A grease interceptor shall be serviced at a minimum of every ninety (90) days, or at an increased frequency specified by the BOPU, when Pass Through of FOG is indicated through visual observation, mathematical calculations or laboratory analysis with results in excess of two hundred (200) milligrams per liter, or whenever the combined thickness of the FOG and settled solids are greater than twenty-five (25) percent of the liquid capacity of the GGI or if toxic, noxious, or malodorous conditions create a public nuisance or unsafe working conditions which endanger health. A variance for decreased cleaning frequency may be requested by the facility. If, after review through methods of visual observation and/or mathematical calculations, the BOPU finds that the GGI or HMGI will accommodate a longer period of FOG treatment, a variance may be granted.
- b. The BOPU may require more frequent cleaning than that prescribed in subsections 9(a), above. A variance from these frequencies may be obtained if the Industrial User can demonstrate through analytical data or by inspection by the BOPU that less frequent cleaning is sufficient as stated in 9(a), above.
- c. Mechanical maintenance of grease interceptors shall be done in a workman-like manner only by a business/professional normally engaged in the servicing of such plumbing fixtures. Grease interceptors located inside the facility, with approval from the BOPU, may be cleaned by the food service employees, provided the BMPs are followed, and a log approved by the BOPU is kept and submitted to the BOPU within two weeks of cleaning.
- d. In the event a grease interceptor is not properly maintained by the Industrial User, owner, lessee, or other authorized representative of the facility, the BOPU may authorize such maintenance work be performed on behalf of the Industrial User. The costs of such maintenance shall be billed directly to the tenant/owner and shall become part of the charges due and owed to the BOPU.
- e. Biological, chemical or enzyme treatment shall not be a substitute for the servicing of a grease interceptor. Use of enzymes or other chemical or biological treatment or product that liquifies, emulsifies, or acts to liquify or emulsify FOG is prohibited.

- f. Each grease interceptor pump-out shall be documented and include the information in Section B.8.i. of this Section. This information shall be kept by the Industrial User on site for at least three years. A copy of this information shall be submitted to the BOPU within two weeks of the service date.
- g. The Industrial User must assure that all waste is properly disposed of in accordance with federal, state, and local regulations. A statement certifying proper disposal by the hauler included on the waste manifest, trip ticket, or self-cleaning log for each cleaning is required.

#### 10. Grease Interceptor Cleaning/Maintenance BMPs

- a. All persons engaged in the cleaning/maintenance of grease interceptors shall adopt the following BMPs, as applicable to the specific grease interceptor at their facility.
  - i. All material in the grease interceptor shall be removed to the bottom of the tank.
  - ii. Sides of the grease interceptor shall be scraped or washed down with water and the scrapings or material washed down from the walls shall be removed.
  - iii. Inlet and outlet pipes shall be cleaned of grease buildup.
  - iv. Lids, seals and covers shall be replaced to prevent persons from accidentally falling into the interceptor.
  - v. Equipment used to clean grease traps shall be clean prior to entering facility.
  - vi. Lids shall be removed, and seals inspected for damage or leakage.
  - vii. Chamber shall be rinsed with water (hot water recommended) and all water, grease, and sludge removed.
  - viii. Any material removed from the trap shall not be introduced into any sanitary sewer or storm sewer.
  - ix. Any material accidentally spilled on the floor during cleaning, transporting of equipment or removing grease shall be cleaned up prior to departure from the site.
- b. If a grease trap is found to be inoperable, damaged or in such condition that it is unsafe or is failing to capture grease introduced into the trap, all steps necessary shall be taken to return the trap/interceptor to fully operable condition immediately.

#### C. Sand/Oil/Water/Water Separator Requirements

- 1. These Best Management Practices (BMP's) establish requirements for any facility that has the potential to discharge petroleum oil, mineral oil, cutting oils, non-food grease and solids. All facilities subject to these BMPs must comply with the requirements which include both the requirement for installation and proper operation and maintenance of a separator and other reporting requirements.
- 2. This Sector Control Program covers separators used for car washes, garages, repair shops, gasoline stations and/or for any other operation which involves vehicle or equipment servicing. Sand/Oil/Water

separators are not intended as a disposal site for motor oil and petroleum products. They are only intended for the capture of minor spills and drips of petroleum products which occur in the day-to-day operation.

3. A Sand/Oil/Water separator that was legally and properly installed at an Industrial User's facility prior to the effective date of this Sector Control Program shall be acceptable as an alternative if such device is effective in removing floatable and settleable material and is designed and installed in such a manner that it can be inspected and properly maintained. If the BOPU determines at any time that such Sand/Oil/Water separator is incapable of adequately retaining the floatable and settleable material or if it was installed in such a manner that it cannot be inspected and properly maintained, the Industrial User shall install a Sand/Oil/Water separator that complies with all city codes within ninety (90) days, or as specified by the BOPU, after being notified of such requirement.
4. Implementation: These Sand/Oil/Water separator requirements may be implemented by letter, order, or permit.
5. General Control Requirements
  - a. A Sand/Oil/Water separator shall be required for the proper handling of liquid wastes which may be harmful to, or cause obstruction in the wastewater collection system or cause or contribute to Pass Through or Interference.
  - b. It shall be the responsibility of the Industrial User and owner of the property, business or industry or an Authorized Representative of the Industrial User to contact the city and BOPU for applicable requirements. In addition to the city adopted International Plumbing Code 15.12, a separator shall include a two-compartment separator as detailed in the BOPU IPDC Manual. The Industrial User is responsible for obtaining a plan review by the city and BOPU. Written approval from the city and BOPU must be obtained prior to installation of the separator and meet all applicable city adopted International Building Code 15.08. The review of such plans and operating procedures shall in no way relieve the Industrial User from the responsibility of modifying such facilities as necessary to produce a discharge acceptable to the BOPU under the provisions of this Chapter.
  - c. BOPU may require an inspection manhole (monitoring facility) on the downstream side of the separator as authorized under this Chapter. The inspection manhole shall be designed to accommodate "H-20" traffic loading. All manholes must be constructed to the requirements of the city of Cheyenne and BOPU Construction Specifications and Standard Drawings 2014.
  - d. Upon change of ownership of any existing facility which would be required to have a separator under this Chapter, the applicant for sanitary sewer service shall have the burden to demonstrate that a properly sized and functioning Sand/Oil/Water separator is installed.
  - e. Toilets, urinals, and similar fixtures shall not be plumbed through a Sand/Oil/Water separator. Such fixtures shall be plumbed directly into the building sewer and waste system.
  - f. Separators in all facilities used for cleaning vehicles, equipment or machine parts shall be constructed to prevent the entrance of storm or surface runoff water or the intrusion of groundwater into the POTW.
  - g. The Industrial User shall ensure the Sand/Oil/Water separator are easily accessible for inspection, cleaning, and removal of sand, oils, and other accumulated wastes.

- h. The Industrial User shall always maintain separators at their own expense and keep in efficient operating condition by the regular removal of waste materials.
- i. Required Maintenance
  - i. Sand/Oil/Water separators shall be maintained by regularly scheduled cleaning so that they will properly operate as intended to efficiently intercept the sand and oil from the Industrial User's wastewater and prevent the discharge of said materials into the BOPU's wastewater collection system. A Sand/Oil/Water separator may be placed on an accelerated cleaning frequency if determined by the BOPU that it is necessary to avoid Pass Through of pollutants into the sanitary sewer system. The Industrial User should check the separator for the accumulation of pollutants or solids, at a minimum, once per quarter to avoid exceeding the capacity of the separator.
  - ii. The BOPU may require more frequent cleaning. A variance from this requirement may be obtained, if approved by the BOPU, when the Industrial User can demonstrate with analytical data that less frequent cleaning is sufficient.
  - iii. Maintenance of Sand/Oil/Water separators shall be done in a workman-like manner only by a business/professional normally engaged in the servicing of such plumbing fixtures. Removal and hauling of any collected waste from separators not performed by the Industrial User's employees shall be performed by a waste hauler licensed by the Cheyenne/Laramie county environmental health department. Liquid or solid waste removed from an oil/water separator or sand interceptor shall not be introduced back into the sanitary or storm sewer systems of the city of Cheyenne.
  - iv. In the event a separator is not properly maintained by the Industrial User, owner, or lessee, the BOPU may authorize such maintenance work be performed on behalf of the facility. The costs of such maintenance shall be billed directly to the customer and shall become part of the charges due and owed to the BOPU.
  - v. The Industrial User must document each pump-out with a waste manifest or trip ticket and keep on site for at least three years. Documentation of pump-outs must be made available to the BOPU as required.
  - vi. The Industrial User must take reasonable steps to assure that all waste is properly disposed of in accordance with federal, state, and local regulations (i.e., through a statement certifying proper disposal by the hauler included on the waste manifest or trip ticket for each load).
  - vii. Each Industrial User that is required to use and maintain a Sand/Oil/Water separator shall keep a record of every time the Sand/Oil/Water separator is pumped or cleaned or repaired. This record shall include the date, the name of the company that pumped or cleaned the Sand/Oil/Water separator and the amount of waste that was removed. Such records shall be reported to the BOPU at least once per year or as required. The removed contents from any Sand/Oil/Water separator shall be handled by a person licensed to haul such waste and shall be disposed of in accordance with federal, state, and local regulations.

13.20.550 - Publication of **Industrial** Users in significant noncompliance.

- A. The ~~control authority~~ BOPU shall publish, at a minimum annually, in a newspaper of general circulation that provides meaningful public notice within the jurisdictions served by the POTW, a list of the **Industrial Users**

which, at any time during the previous twelve (12) months, were in Significant Noncompliance with applicable Pretreatment Standards and Requirements. The term "Significant Noncompliance" shall be applicable to all Significant Industrial Users (or any other Industrial User that violates subsections (A)(3), (A)(4) or (A)(8) below) and shall mean:

1. Chronic violations of wastewater discharge limits, defined here as those in which sixty-six (66) percent or more of all the measurements taken for the same pollutant parameter taken during a six month period exceed (by any magnitude) a numeric Pretreatment Standard or Requirement, including instantaneous limits as defined in ~~Article 4~~ Section 13.20.030 of this Chapter;
2. Technical review criteria (TRC) violations, defined here as those in which thirty-three (33) percent or more of wastewater measurements taken for each pollutant parameter during a six (6) month period equals or exceeds the product of the numeric Pretreatment Standard or Requirement including instantaneous limits, as defined by Section 13.20.030, 13.20.060, and 13.20.070 of this Chapter multiplied by the applicable criteria (1.4 for BOD, TSS, fats, oils and grease, and 1.2 for all other pollutants except pH);
3. Any other violation of a Pretreatment Standard or Requirement as defined by Section 13.20.030 of this Chapter (daily maximum, long-term average, instantaneous limit, or narrative standard) that the ~~control authority~~ BOPU determines has caused, alone or in combination with other discharges, Interference or Pass Through, including endangering the health of POTW personnel or the general public;
4. Any discharge of a pollutant that has caused imminent endangerment to the public or to the environment, or has resulted in the ~~control authority's~~ BOPU's exercise of its emergency authority to halt or prevent such a discharge;
5. Failure to meet, within ninety (90) days of the scheduled date, a compliance schedule milestone contained in an Individual Wastewater Discharge Permit or Enforcement Order for starting construction, completing construction, or attaining final compliance;
6. Failure to provide within forty-five (45) days after the due date, any required reports, including baseline monitoring reports, reports on compliance with Categorical Pretreatment Standard deadlines, periodic self-monitoring reports, and reports on compliance with compliance schedules;
7. Failure to accurately report noncompliance; or
8. Any other violation(s), which may include a violation of BMPs, which the ~~control authority~~ BOPU determines will adversely affect the operation or implementation of the local pretreatment program.

(Ord. No. 4002, § 1, 10-28-13)

#### Article 5. - Wastewater Fees

##### 13.20.560 – Industrial User's fees.

It is declared necessary for the protection of the public health, safety, and welfare, and necessary for the effectiveness of the BOPU, to collect fees from anyone who contributes wastewater to the ~~city's~~ BOPU's treatment works. The proceeds of these charges shall be used for the operation, maintenance, and other related costs of the wastewater treatment systems as determined by the BOPU.

(Ord. No. 4002, § 1, 10-28-13)

~~13.20.570 – For the purposes of Article 5 of this Chapter, the following definitions shall apply:~~

~~"Flow measurement device" means an instrument or apparatus for measuring the quantity of water or wastewater.~~

~~"Operation and maintenance" means all expenditures made during the useful life of the treatment works for materials, labor, administration and other items which are necessary for managing, operating and maintaining the~~



~~treatment works. The term "operation and maintenance" includes the costs of replacing equipment, accessories, and appurtenances of treatment works.~~

~~"Useful life" means the estimated period during which a treatment works will be operated.~~

~~"User" means user is defined as anyone who contributes wastewater to the treatment works, including all domestic and non-domestic sources.~~

~~"Wastewater treatment systems" means any system for the storage, treatment, recycling and reclamation of municipal sewage, domestic sewage or liquid industrial wastes, and the devices which comprise system. Treatment works include intercepting sewers, outfall sewers, sewage collection systems, individual systems, pumping, power and other equipment and their appurtenances; extensions, improvements, remodeling, additions and alterations; elements essential to provide a reliable recycled supply of water such as standby treatment units and clear well facilities; any works or land that will be used for ultimate disposal of residues resulting from such treatment; or any other system for preventing, abating, reducing, storing, treating, separating or disposing of municipal or industrial waste, including waste in combined stormwater and sanitary sewer systems.~~

~~(Ord. No. 4002, § 1, 10-28-13)~~

### 13.20.570 - RESERVED

#### 13.20.580 - Fees.

- A. The POTW may adopt charges and fees which may include:
1. Fees for reimbursement of costs of setting up and operating the POTW's pretreatment program;
  2. Fees for monitoring, inspection and surveillance procedures including the cost of reviewing monitoring reports submitted by the Industrial User;
  3. Fees for reviewing accidental discharge procedures and construction;
  4. Fees for permit applications including the cost of processing such applications;
  5. Fees for filing appeals;
  6. Other fees as the POTW may deem necessary to carry out the requirements contained herein; and;
  7. Fees for **Industrial Users** and Commercial Users contributing wastewater with strength in excess of concentrations established in Section 13.20.590 **of this Chapter**.
- B. These fees relate solely to the matters covered by this Chapter and are separate from all other fees chargeable by the POTW.

~~(Ord. No. 4002, § 1, 10-28-13)~~

#### 13.20.590 - Sewer use surcharge.

- A. Rate Determination.
1. Sewer use surcharges shall be determined for ~~industrial/commercial users~~ **Industrial Users and Commercial Users** contributing wastewater with strength in excess of normal domestic concentrations established by a method adopted and approved by the BOPU based on applicable waste strength and volume. Rates shall be established by a current schedule of charges adopted by the BOPU and approved by the governing body of the city of Cheyenne.

~~(Ord. No. 4002, § 1, 10-28-13)~~

#### 13.20.600 - Billing.

A. Sewer Use Surcharges.

1. Sewer use surcharges shall be billed monthly and shall be based on the BOPU's approved rates. The sewer use surcharges shall be submitted with each **Industrial** User's monthly sewer bill.

(Ord. No. 4002, § 1, 10-28-13)

13.20.610 - Payment.

Each **Industrial** User shall pay for the services provided by the BOPU based on its use of the wastewater treatment system as determined by a flow measurement device.

(Ord. No. 4002, § 1, 10-28-13)

13.20.620 - Charges adopted.

**Industrial** User fees shall be established by a current schedule of charges adopted by the BOPU and approved by the governing body of the city of Cheyenne.

(Ord. No. 4002, § 1, 10-28-13)

13.20.630 - Review.

The BOPU will review its schedule of **Industrial** User fees and surcharges annually and make revisions as necessary to ensure adequate revenues to pay the costs of the wastewater treatment system, including but not limited to, operation and maintenance costs, interest and principal payments, construction costs, and costs to enlarge, replace and repair the system.

(Ord. No. 4002, § 1, 10-28-13)

13.20.640 - Pollutants.

Any **Industrial** User discharging any pollutants which cause an increase in the cost of managing the effluent or sludge from the treatment works, or any **Industrial** User discharging any substance which singly or by interaction with other substances causes increases in the costs of operation and maintenance of the wastewater treatment system, shall, at the discretion of the ~~control authority~~ **BOPU**, pay for such increased costs. The strength and characteristics of effluents shall be monitored by the responsible **Industrial** User's personnel and such **Industrial** Users shall be assessed a surcharge according to rates as determined by the BOPU and approved by the governing body of the city of Cheyenne.

(Ord. No. 4002, § 1, 10-28-13)

13.20.650 - All **Industrial** Users.

**Industrial** User charge rates shall apply to all **Industrial** Users of the BOPU's treatment works, regardless of the location of the discharge unless specifically exempted by the BOPU. city and BOPU facilities are exempt.

(Ord. No. 4002, § 1, 10-28-13)

Article 6. - Enforcement—Administrative Remedies

**13.20.655 – Orders.**

The BOPU may serve upon an Industrial User an order (written direction or verbal statement) requiring specific actions be taken to verify compliance or return to compliance. Orders may contain a required timeline for actions to be completed by the Industrial User. Orders may appear within a letter, inspection forms, inspection reports, Notice of Violations, Consent Orders, Administrative Compliance Orders, or any other type of enforcement action listed in this Chapter. Nothing in this section shall limit the authority of the BOPU to take any action, including emergency actions or any other enforcement action, without first issuing an order.

#### 13.20.660 - Notification of violation.

When the ~~control authority~~ BOPU finds that an Industrial User has violated, or continues to violate, any provision of this Chapter, an Individual Wastewater Discharge Permit, or order issued hereunder, or any other Pretreatment Standard or Requirement, the ~~control authority~~ BOPU may serve upon that Industrial User a written Notice of Violation. ~~Within ten (10) days of the receipt of such notice~~ The Notice of Violation may require that ~~within a timeline specified by the BOPU of such notice~~, an explanation of the violation and a plan for the satisfactory correction and prevention thereof, to include specific required actions, shall be submitted by the Industrial User to the ~~control authority~~ BOPU. Submission of such a plan in no way relieves the Industrial User of liability for any violations occurring before or after receipt of the Notice of Violation. Nothing in this section shall limit the authority of the ~~control authority~~ BOPU to take any action, including emergency actions or any other enforcement action, without first issuing a Notice of Violation.

(Ord. No. 4002, § 1, 10-28-13)

#### 13.20.670 - Consent orders.

The ~~control authority~~ BOPU may enter into consent orders, assurances of compliance, or other similar documents establishing an agreement with any Industrial User responsible for noncompliance. Such documents shall include specific action to be taken by the Industrial User to correct the noncompliance within a time period specified by the document. Such documents shall have the same force and effect as the Administrative Compliance Orders and Cease and Desist Orders issued pursuant to Sections 13.20.690 and 13.20.700 of this Chapter and shall be judicially enforceable.

(Ord. No. 4002, § 1, 10-28-13)

#### 13.20.680 - Show cause hearing.

The ~~control authority~~ BOPU may order an Industrial User which has violated, or continues to violate, any provision of this Chapter, an Individual Wastewater Discharge Permit, or order issued hereunder, or any other Pretreatment Standard or Requirement, to appear before the ~~control authority~~ BOPU and show cause why the proposed enforcement action should not be taken. Written notice shall be served on the Industrial User specifying the time and place for the meeting, the proposed enforcement action, the reasons for such action, and a request that the Industrial User show cause why the proposed enforcement action should not be taken. The notice of the meeting shall be served personally or by registered or certified mail (return receipt requested) at least thirty (30) days prior to the hearing. Such notice may be served on any Authorized Representative of the Industrial User as defined in Section 13.20.030 of this Chapter and required by Section 13.20.260(A) of this Chapter. A show cause hearing shall not be a bar against, or prerequisite for, taking any other action against the Industrial User.

(Ord. No. 4002, § 1, 10-28-13)

#### 13.20.690 - Compliance order.

When the ~~control authority~~ BOPU finds that an Industrial User has violated, or continues to violate, any provision of this Chapter, an Individual Wastewater Discharge Permit, or order issued hereunder, or any other Pretreatment Standard or Requirement, the ~~control authority~~ BOPU may issue an Administrative Compliance Order to the Industrial User responsible for the discharge directing that the Industrial User come into compliance within a specified time. If the Industrial User does not come into compliance within the time provided, water and/or sewer

service may be reduced, discontinued, or terminated until ~~unless~~ adequate treatment facilities, devices, or other related appurtenances are installed and properly operated. Administrative Compliance Orders also may contain other requirements to address the noncompliance, including, but not limited to, additional self-monitoring and management practices designed to minimize the amount of pollutants discharged to the sewer. An Administrative Compliance Order may not extend the deadline for compliance established for a Pretreatment Standard or Requirement, nor does an Administrative Compliance Order relieve the Industrial User of liability for any violation, including any continuing violation. Issuance of a compliance order shall not be a bar against, or a prerequisite for, taking any other action against the Industrial User.

(Ord. No. 4002, § 1, 10-28-13)

#### 13.20.700 - Cease and desist orders.

- A. When the ~~control authority~~ BOPU finds that an Industrial User has violated, or continues to violate, any provision of this Chapter, an Individual Wastewater Discharge Permit, general permit or order issued hereunder, or any other Pretreatment Standard or Requirement, or that the Industrial User's past violations are likely to recur, the ~~control authority~~ BOPU may issue an order to the Industrial User directing it to cease and desist all such violations and directing the Industrial User to:
1. Immediately comply with all requirements; and
  2. Take such appropriate remedial or preventive action as may be needed to properly address a continuing or threatened violation, including halting operations and/or terminating the discharge. Issuance of a cease and desist order shall not be a bar against, or a prerequisite for, taking any other action against the Industrial User.

(Ord. No. 4002, § 1, 10-28-13)

#### 13.20.710 - Administrative fines.

- A. When the ~~control authority~~ BOPU finds that an Industrial User has violated, or continues to violate, any provision of this Chapter, an Individual Wastewater Discharge Permit, general permit or order issued hereunder, or any other Pretreatment Standard or Requirement, the ~~control authority~~ BOPU may fine such Industrial User in an amount not to exceed ~~five ten~~ thousand dollars (\$~~5~~10,000.00). Such fines may be assessed on a per-violation, per-day basis. In the case of monthly or other long-term average discharge limits, fines may be assessed for each day during the period of violation.
- B. The POTW shall have all collection remedies available to collect other service charges and any other remedy provided by law. Unpaid charges, fines and penalties shall constitute a lien against the Industrial User's property.
- C. Industrial Users desiring to dispute such fines must file a written request for the ~~control authority~~ BOPU to reconsider the fine along with full payment of the fine amount within ten (10) days of being notified of the fine. The ~~control authority~~ BOPU shall convene a hearing on the matter. In the event the Industrial User's appeal is successful, the payment together with any interest accrued at the prevailing rate shall be reimbursed to the Industrial User. In the event the appeal is unsuccessful, the ~~control authority~~ BOPU may add the costs of preparing administrative enforcement actions, such as notices and orders, to the fine.
- D. Issuance of an Administrative Fine shall not be a bar against, or a prerequisite for, taking any other action against the Industrial User.

(Ord. No. 4002, § 1, 10-28-13)

#### 13.20.720 - Emergency suspensions.

- A. The ~~control authority~~ BOPU may immediately suspend an Industrial User's discharge whenever such suspension is necessary to stop an actual or threatened discharge, which reasonably appears to present, or cause an imminent or substantial endangerment to the health or welfare of persons. The ~~control authority~~ BOPU may also immediately suspend an Industrial User's discharge, after notice and opportunity to respond, that threatens to interfere with the operation of the POTW, or which presents, or may present, an endangerment to the environment.
1. Any Industrial User notified of a suspension of its discharge shall immediately stop or eliminate its discharge. In the event of an Industrial User's failure to immediately comply voluntarily with the suspension order, the ~~control authority~~ BOPU may take such steps as deemed necessary, including immediate severance of the water and/or sewer connection, to prevent or minimize damage to the POTW, its receiving stream, or endangerment to any individuals. The ~~control authority~~ BOPU may allow the Industrial User to recommence its discharge when the Industrial User has demonstrated to the satisfaction of the ~~control authority~~ BOPU that the period of endangerment has passed, unless the termination proceedings in Section 13.20.730 of this Chapter are initiated against the Industrial User.
  2. An Industrial User that is responsible, in whole or in part, for any discharge presenting imminent endangerment shall submit a detailed written statement, describing the causes of the harmful contribution and the measures taken to prevent any future occurrence, to the ~~control authority~~ BOPU prior to the date of any show cause or termination hearing under Section 13.20.680 or 13.20.730 of this Chapter.
- B. Nothing in this section shall be interpreted as requiring a hearing prior to any emergency suspension under this section.

(Ord. No. 4002, § 1, 10-28-13)

~~13.20.730 – Termination of discharge.~~

- ~~A. In addition to the provisions in Section 13.20.350 of this Chapter, any user who violates the following conditions is subject to discharge termination:~~
- ~~1. Violation of Individual Wastewater Discharge Permit or general permit conditions;~~
  - ~~2. Failure to accurately report the wastewater constituents and characteristics of its discharge;~~
  - ~~3. Failure to report significant changes in operations or wastewater volume, constituents, and characteristics prior to discharge;~~
  - ~~4. Refusal of reasonable access to the user's premises for the purpose of inspection, monitoring, or sampling;~~  
~~or~~
  - ~~5. Violation of the pretreatment standards in Section 13.20.050 of this Chapter.~~
- ~~B. Such user will be notified of the proposed termination of its discharge and be offered an opportunity to show cause, pursuant to Section 13.20.680 of this Chapter, why the proposed action should not be taken. Exercise of this option by the control authority BOPU shall not be a bar to, or a prerequisite for, taking any other action against the user.~~

~~(Ord. No. 4002, § 1, 10-28-13)~~

~~13.20.730 – Termination, suspension, or disconnection of water and/or sewer services.~~

- ~~A. In addition to the provisions in Section 13.20.350 of this Chapter, any Industrial User who violates the following conditions is subject to termination, suspension, or disconnection of water or sewer services:~~
- ~~1. Violation of Individual Wastewater Discharge Permit or general permit conditions;~~
  - ~~2. Failure to accurately report the wastewater constituents and characteristics of its discharge;~~
  - ~~3. Failure to report significant changes in operations or wastewater volume, constituents, and characteristics prior to discharge;~~
  - ~~4. Failure to comply with the requirements of Chapter 13.20.545 – Sector Control Program;~~

5. Refusal of reasonable access to the Industrial User's premises for the purpose of inspection, monitoring, or sampling; or
  6. Violation or continued violation of any part of this Chapter 13.20.
- B. Authority to terminate, suspend, or disconnect water or sewer service.
1. If the BOPU finds that a grease interceptor, or lack of a grease interceptor, is causing a failure of a private or public sanitary sewer, the BOPU may have the water and/or sewer service of the offending property terminated, suspended, or disconnected after notice and an opportunity to appeal the proposed action is given to the occupant and offending party. Termination, suspension, or disconnection of the water and/or sewer service will continue until the trap or interceptor is functioning or installed in an approved manner.
  2. If the BOPU finds that an Industrial User has violated or continues to violate any part of this Chapter 13.20, the BOPU may terminate, suspend, or disconnect water and/or sewer service of the Industrial User pursuant to Section 13.20.740 of this Chapter. Termination, suspension, or disconnection will continue until all fines, fees, and applicable invoices have been paid, required actions have been met, and an action plan submitted by the Industrial User describing prevention of further violations has been approved by the BOPU.
  3. In the event the ~~board~~ BOPU finds it necessary to terminate, suspend, or disconnect water and/or sewer service to an Industrial User's building or premises, it must immediately notify the city/county health department.
- C. Exercise of this option by the BOPU shall not be a bar to, or a prerequisite for, taking any other action against the Industrial User.

~~13.20.735— Authority to terminate, suspend or disconnect water or sewer services.~~

- A. ~~— If the BOPU finds that a trap or interceptor, or lack of a trap or interceptor, is causing a failure of a private or public sanitary sewer, the BOPU shall have the water or sewer service of the offending property of an Industrial User terminated, suspended, or disconnected after notice and an opportunity to appeal the proposed action is given to the Industrial User and offending party. Termination, suspension, or disconnection of water or sewer services will continue until the trap or interceptor is functioning or installed in an approved manner.~~
- B. ~~— The BOPU may allow the Industrial User to reconnect its water or sewer service once the Industrial User has demonstrated that it has paid all applicable invoices, fines and fees, and an action plan submitted by the Industrial User describing prevention of further violation has been approved by the BOPU.~~
- C. ~~— In the event the BOPU finds it necessary to terminate, suspend, or disconnect water or sewer services to an Industrial User's building or premises, it must immediately notify the City/County Health Department.~~

13.20.735 - RESERVED

~~13.20.740— Procedure for suspending or revoking permits, or suspending or terminating sewer service.~~

- A. ~~— The control authority BOPU may suspend or revoke a user's permit, or suspend or terminate sewer service to a user, when such user violates federal or state laws or regulations relating to wastewater discharge, a provision of this Chapter, or any permit or order issued hereunder. Suspensions or revocations of permits, and suspensions or terminations of sewer service, shall be made according to the following procedure:~~
1. ~~— The user shall be notified by the control authority BOPU by certified mail at least seven (7) days prior to suspending or revoking a permit or suspending or terminating sewer service. Such notice shall set forth with particularity the reasons such action is contemplated.~~
  2. ~~— Upon receipt of notice, the user may request a hearing before the control authority BOPU. Such request shall be in writing and received by the control authority BOPU within seven (7) days of receipt of the notice. Failure of the user to request a hearing within seven (7) days shall result in a waiver of the right to a hearing.~~
  3. ~~— If a hearing is requested, the control authority BOPU shall set a hearing time, date and location. The control authority BOPU shall notify the user in writing by certified mail of the time, date and location of the hearing.~~
  4. ~~— Hearings shall be conducted in accordance with the Wyoming Administrative Procedure Act.~~

- ~~5. If the control authority BOPU has reason to believe that a user is threatening the health, safety and welfare of the public, environment or the operation of the POTW, the control authority BOPU may immediately and without notice enter an order suspending or revoking a permit, or suspending or terminating sewer service. Notice of the order shall be served on the user, setting forth with particularity the grounds relied upon for the action taken. The user may, upon receipt of notice, request a hearing before the control authority BOPU and the hearing shall be conducted within two (2) city business days.~~

~~(Ord. No. 4002, § 1, 10-28-13)~~

13.20.740 - Procedure for suspending or revoking permits or terminating, suspending, or disconnecting water and/or sewer service.

- A. The BOPU may terminate, suspend, or disconnect water and/or sewer services or revoke an Industrial User's permit, when such Industrial User violates federal or state laws or regulations relating to wastewater discharge, any provision of this Chapter, or any permit or order issued hereunder. Suspensions or revocations of permits, and terminations, suspensions, or disconnections of water and/or sewer service, shall be made according to the following procedure:
1. The Industrial User, facility owner, or landowner shall be notified by the BOPU by certified mail at least seven days prior to suspending or revoking a permit, or terminating, suspending, or disconnecting water and/or sewer service. Such notice shall set forth with particularity the reasons such action is contemplated.
  2. Upon receipt of notice, the Industrial User, facility owner, or landowner may request a hearing before the BOPU. Such request shall be in writing and received by the BOPU within seven days of receipt of the notice. Failure of the Industrial User, facility owner, or landowner to request a hearing within seven days shall result in a waiver of the right to a hearing.
  3. If a hearing is requested, the BOPU shall set a hearing time, date, and location. The BOPU shall notify the requesting party in writing by certified mail of the time, date, and location of the hearing.
  4. Hearings shall be conducted in accordance with the Wyoming Administrative Procedure Act.
  5. If the BOPU has reason to believe that an Industrial User is threatening the health, safety and welfare of the public, environment, or the operation of the POTW, the BOPU may immediately and without notice enter an order suspending or revoking a permit, or terminating, suspending, or disconnecting water and/or sewer service. Notice of the order, either verbal or written, shall be served on the Industrial User, setting forth with particularity the grounds relied upon for the action taken. The Industrial User may, upon receipt of notice, request a hearing before the BOPU and the hearing shall be conducted within two city business days.

Article 7. - Enforcement—Judicial Remedies

13.20.750 - Injunctive relief.

When the ~~control authority~~ BOPU finds that an Industrial User has violated, or continues to violate, any provision of this Chapter, an Individual Wastewater Discharge Permit, general permit or order issued hereunder, or any other Pretreatment Standard or Requirement, the ~~control authority~~ BOPU may petition the appropriate court in the state of Wyoming for the issuance of a temporary or permanent injunction, as appropriate, which restrains or compels the specific performance of the Individual Wastewater Discharge Permit, order, or other requirement imposed by this Chapter on activities of the Industrial User. The ~~control authority~~ BOPU may also seek such other legal or equitable relief, including a requirement for the user to conduct environmental remediation. A petition for injunctive relief shall not be a bar against, or a prerequisite for, taking any other action against an Industrial User.

(Ord. No. 4002, § 1, 10-28-13)

13.20.760 - Civil penalties.

- A. An **Industrial** User who has violated, or continues to violate, any provision of this Chapter, an Individual Wastewater Discharge Permit, general permit or order issued hereunder, or any other Pretreatment Standard or Requirement shall be liable to the BOPU for a maximum civil penalty of ~~five ten~~ thousand dollars (\$~~5~~10,000.00) per violation, per day. In the case of a monthly or other long-term average discharge limit, penalties shall accrue for each day during the period of the violation.
- B. The ~~control authority~~ BOPU may recover reasonable attorneys' fees, court costs, and other expenses associated with enforcement activities, including sampling and monitoring expenses, and the cost of any actual damages incurred by the BOPU.
- C. In determining the amount of civil liability, the court shall take into account all relevant circumstances, including, but not limited to, the extent of harm caused by the violation, the magnitude and duration of the violation, any economic benefit gained through the **Industrial** User's violation, corrective actions by the **Industrial** User, the compliance history of the **Industrial** User, and any other factor as justice requires.
- D. Filing a suit for civil penalties shall not be a bar against, or a prerequisite for, taking any other action against an **Industrial** User.

(Ord. No. 4002, § 1, 10-28-13)

#### 13.20.770 - Criminal prosecution.

- A. An **Industrial** User who willfully or negligently violates any provision of this Chapter, an Individual Wastewater Discharge Permit, general permit or order issued hereunder, or any other Pretreatment Standard or Requirement shall, upon conviction, be guilty of a misdemeanor, punishable by a fine of not more than seven hundred fifty dollars (\$750.00) per violation, per day, or imprisonment for not more than six months, or both.
- B. An **Industrial** User who knowingly makes any false statements, representations, or certifications in any application, record, report, plan, or other documentation filed, or required to be maintained, pursuant to this Chapter, Individual Wastewater Discharge Permit, general permit or order issued hereunder, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under this Chapter shall, upon conviction, be guilty of a misdemeanor, punishable by a fine of not more than seven hundred fifty dollars (\$750.00) per violation, per day, or imprisonment for not more than six months, or both.
- C. An **Industrial** User who willfully or negligently introduces any substance into the POTW which causes personal injury or property damage shall, upon conviction, be guilty of a misdemeanor, punishable by a fine of not more than seven hundred fifty dollars (\$750.00) per violation, per day, or imprisonment for not more than six months, or both. This penalty shall be in addition to any other cause of action for personal injury or property damage available under other applicable law.

(Ord. No. 4002, § 1, 10-28-13)

#### 13.20.780 - Remedies—Nonexclusive.

The remedies provided for in this Chapter are not exclusive. The ~~control authority~~ BOPU may take any, all, or any combination of these actions against a noncompliant **Industrial** User. Enforcement of pretreatment violations will generally be in accordance with the BOPU Water Reclamation Division's Enforcement Response Plan. However, the ~~control authority~~ BOPU may take other action against any **Industrial** User when the circumstances warrant. Further, the ~~control authority~~ BOPU is empowered to take ~~more than one multiple~~ enforcement actions against any noncompliant **Industrial** User.

(Ord. No. 4002, § 1, 10-28-13)

#### Article 8. - Enforcement—Supplemental Actions

~~13.20.790—Penalties for late reports.~~



~~A. A penalty not to exceed five thousand dollars (\$5,000.00) shall be assessed to any user for each day that a report required by this Chapter, or a permit or order issued hereunder is late, beginning five days after the date the report is due. Higher penalties may also be assessed where reports are more than thirty (30) days late. Actions taken by the control authority to collect late reporting penalties shall not limit the control authority's authority to initiate other enforcement actions that may include penalties for late reporting violations.~~

~~B. Users desiring to dispute such penalties must file a written request with the control authority to reconsider the penalty along with full payment of the penalty amount within ten days of being notified of the penalty. The control authority shall convene a hearing on the matter. In the event the user's appeal is successful, the payment together with any interest accrued at the prevailing rate shall be reimbursed to the user. In the event the appeal is unsuccessful, the control authority may add the costs of preparing administrative enforcement actions, such as notices and orders, to the penalty amount.~~

(Ord. No. 4002, § 1, 10-28-13)

### 13.20.790 – RESERVED

#### 13.20.800 - Liability insurance.

The **control authority BOPU** may decline to issue or reissue an Individual Wastewater Discharge Permit or general permit to any **Industrial** User who has failed to comply with any provision of this Chapter, a previous Individual Wastewater Discharge Permit, general permit or order issued hereunder, or any other Pretreatment Standard or Requirement, unless the **Industrial** User first submits proof that it has obtained financial assurances sufficient to restore or repair damage to the POTW caused by its discharge.

(Ord. No. 4002, § 1, 10-28-13)

#### 13.20.810 - Payment of outstanding fees and penalties.

The **control authority BOPU** may decline to issue or reissue an Individual Wastewater Discharge Permit or general permit to any **Industrial** User who has failed to pay any outstanding fees, fines or penalties incurred as a result of any provision of this Chapter, a previous Individual Wastewater Discharge Permit, general permit or order issued hereunder.

(Ord. No. 4002, § 1, 10-28-13)

#### 13.20.820 - Water supply severance.

Whenever an **Industrial** User has violated or continues to violate any provision of this Chapter, an Individual Wastewater Discharge Permit, general permit or order issued hereunder, or any other Pretreatment Standard or Requirement, water service to the **Industrial** User may be severed. Service will recommence, at the **Industrial** User's expense, only after the **Industrial** User has satisfactorily demonstrated its ability to comply **and has paid all invoices, fines, and fees.**

(Ord. No. 4002, § 1, 10-28-13)

## Article 9. - Affirmative Defenses to Discharge Violations

#### 13.20.830 - Prohibited discharge standards.

- A. A **Industrial** User shall have an affirmative defense to an enforcement action brought against it for noncompliance with the general prohibitions in Section 13.20.050 (A) of this Chapter or the specific prohibitions in Sections 13.20.050(B)~~(1) (16)~~ of this Chapter if it can prove that it did not know, or have reason to know, that its discharge, alone or in conjunction with discharges from other sources, would cause Pass Through or Interference and that either:

1. A local limit exists for each pollutant discharged and the **Industrial** User was in compliance with each limit directly prior to, and during, the Pass Through or Interference; or
2. No local limit exists, but the discharge did not change substantially in nature or constituents from the **Industrial User's** prior discharge when the BOPU was regularly in compliance with its WYPDES permit, and in the case of Interference, was in compliance with applicable sludge use or disposal requirements.

(Ord. No. 4002, § 1, 10-28-13)

Article 10. - Miscellaneous provisions

13.20.840 - Pretreatment charges and fees—BOPU fee schedule.

- A. The BOPU may adopt reasonable fees for reimbursement of costs of setting up and operating the BOPU pretreatment program, which may include:
  1. Fees for **Individual** Wastewater Discharge Permit applications including the cost of processing such applications;
  2. Fees for monitoring, inspection, and surveillance procedures including the cost of collection and analyzing an **Industrial** User's discharge, and reviewing monitoring reports and certification statements submitted by **Industrial** Users;
  3. Fees for reviewing and responding to accidental discharge procedures and construction;
  4. Fees for filing appeals;
  5. Fees to recover administrative and legal costs (not included in Section 13.20.840(A)(2)) of this Chapter associated with the enforcement activity taken by the ~~control authority~~ BOPU to address ~~the~~ **Industrial User's** noncompliance; and
  6. Other fees as the BOPU may deem necessary to carry out the requirements contained herein. These fees relate solely to the matters covered by this Chapter and are separate from all other fees, fines, and penalties chargeable by the BOPU.

(Ord. No. 4002, § 1, 10-28-13)

Section 2. That this ordinance shall be in full force and effect upon its passage and publication.

FIRST READING: \_\_\_\_\_

SECOND READING: \_\_\_\_\_

THIRD AND FINAL READING: \_\_\_\_\_

\_\_\_\_\_  
Patrick Collins, Mayor

(SEAL)

ATTEST:

\_\_\_\_\_  
Kristina F. Jones, City Clerk

Published: Wyoming Tribune Eagle  
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