

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

ENTITLED: "AN ORDINANCE AMENDING CERTAIN SECTIONS OF CHAPTER 13.20, WASTEWATER TREATMENT AND DISPOSAL OF TITLE 13, PUBLIC SERVICES OF THE MUNICIPAL CODE OF THE CITY OF CHEYENNE, WYOMING, REGARDING WASTEWATER TREATMENT AND DISPOSAL."

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

Section 1. That Section 13.20.050, General Prohibitions; Section 13.20.545, Sector control program; Section 13.20.560, Industrial user's fees, Section 13.20.590, sewer use surcharge; Section 13.20.610, payment; Section 13.20.700, cease and desist orders; Section 13.20.730, Termination, suspension, or disconnection of water and/or sewer services; Section 13.20.740, Procedure for suspending or revoking permits or terminating, suspending, or disconnecting water and/or sewer service; and, Section 13.20.830, prohibiting discharge standards of Chapter 13.20 Wastewater Treatment and Disposal of Title 13, Public Services of the City of Cheyenne, Wyoming, are hereby amended as set out in this ordinance.

**13.20.050 - General 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 shall apply to all the industrial users of the POTW, whether or not they are subject to 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-will 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-will cause obstruction to sewer flow or other interference with the operation of the POTW such as, but not limited to, fats, oils and 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 (5) 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 one hundred four (104) degrees Fahrenheit or 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~~will 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 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~~may cause or contribute to pass through 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.

### **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. It is the responsibility of the industrial user to inform the BOPU regarding a change in any of the conditions specified in this paragraph.

~~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 if they present a health or safety risk, or create a risk of contamination, damage, or impairment to the POTW. 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~~ 6 through 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~~ may be ~~paid by~~ billed to the industrial user ~~to by~~ the BOPU. The direct costs of all labor, equipment and materials incurred in rectifying the interference or damage, including reasonable attorney's fees, ~~shall~~ may be billed directly to the owner or the industrial user by the BOPU, and such costs ~~shall~~ may become part of the total charges due and owing to the BOPU and ~~shall~~ may constitute a lien on the owner or industrial user until paid in full.
6. The industrial user ~~must~~ shall notify the BOPU in writing naming ~~the~~ their authorized representative and ~~their designated~~ the duly authorized representative ~~pursuant to the definition of "authorized representative" and "duly authorized representative" found in of the industrial user as defined under Section~~ 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.~~ within two (2) weeks when 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~~ means 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~~ means 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; or
- 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~~ these BMPs shall apply to facilities where preparation, manufacturing, processing of food or washing/sanitizing of dishes or equipment occurs. ~~Included food~~ Food service establishments ~~may~~ shall 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~~ a 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-one~~ hundred ~~(200)~~ (100) 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~~ grease interceptor 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~~ grease interceptor 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~~ grease interceptor 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 (2) 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~~ shall 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, the industrial user shall take 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 from~~ the requirements of ~~Chapter~~ Section 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 BOPU may allow the installation of an 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~~BOPU 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~~POTW 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 and obtain the~~ necessary permits for the installation of a grease ~~removal device~~interceptor or any modifications to the facility's plumbing. Written approval from the city and BOPU ~~must~~shall 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 (1,000) gallons, and not to exceed three thousand (3,000) gallons, unless otherwise approved and granted a variance by the BOPU pursuant to ~~subdivision subparagraph~~ 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~~POTW, 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.~~ Upon application for sanitary sewer service, or application for a building permit or business license, every food service establishment, as defined in Paragraph B.2 of this section, shall coordinate with the BOPU so that a properly sized and functioning grease interceptor will be installed at the industrial user's expense or is currently in existence.
- 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 and 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~~ shall 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~~ may be required by the BOPU on FOG waste management.
- k. The industrial user ~~must~~ shall maintain grease interceptors at their expense and keep the grease interceptors in efficient operating condition at all times by the regular removal of accumulated FOG.
- l. ~~Pay~~ The industrial user may be required to 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~~ shall 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[s] 13.20.545.B.9.h.i, ii of this chapter~~ provided in this subparagraph, below, 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~~ shall be submitted to the BOPU within two (2) 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 (3) 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 (2) 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, the Cheyenne City Code 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 of the Cheyenne City Code. 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~~ POTW. 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 one~~ hundred ~~(200)~~ (100) milligrams per liter, or whenever the combined thickness of

the FOG and settled solids are greater than twenty-five ~~(25)~~-percent (25%) 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~~-grease interceptor will accommodate a longer period of FOG treatment, a variance ~~may be~~-is typically granted.

- b. The BOPU may require more frequent cleaning than that prescribed in ~~subsections 9.a, subparagraph (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 subparagraph 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 (2) 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~~-industrial user and/or 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-subsection B.8.i-~~B.8.m of this section. This information shall be kept by the industrial user on site for at least three (3) years. A copy of this information shall be submitted to the BOPU within two (2) 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-captured waste~~ 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~~ Every chamber shall be rinsed with water (hot water recommended) and all water, grease, and sludge removed.
  - viii. Any material removed from the ~~trap~~ grease interceptor 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~~ interceptor is found to be inoperable, damaged or in such condition that it is unsafe or is failing to capture grease introduced into the ~~trap~~ interceptor, all steps necessary shall be taken to return the ~~trap~~ interceptor to fully operable condition immediately.

C. ~~Sand/Oil/Water/Water~~ Sand Interceptor and Oil Water Separator Requirements.

1. These best management practices (BMPs) 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~~ shall comply with the requirements which include both the requirement for installation and proper operation and maintenance of a separator or interceptor and other reporting requirements.
2. This sector control program covers separators and interceptors 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~~ Sand interceptors and 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~~ sand interceptor or 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~~ sand interceptor or 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~~ sand interceptor or oil water separator that complies with all ~~city codes~~ Federal, State, and Local regulations within ninety (90) days, or as specified by the BOPU, after being notified of such requirement.
4. Implementation: These ~~sand/oil/water separator~~ sand interceptor and oil water separator requirements may be implemented by letter, order, or permit.
5. General Control Requirements.
  - a. A ~~sand/oil/water separator~~ sand interceptor or 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~~ POTW 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 current 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~~ shall be obtained prior to installation of the separator and shall 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. An inspection manhole downstream or a four-inch cleanout downstream of the separator or interceptor that allows for proper inspection, sampling, and flow measurement of the waste within the industrial user's service line is required. All manholes/cleanouts shall be constructed to accommodate H-20 traffic loading and to meet the requirements of the most recent city adopted International Building Code 15.08, Plumbing Code 15.12 and BOPU's Infrastructure Policy and Design Criteria (IPDC) Manual.~~

- 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.~~ Upon application for sanitary sewer service, or application for a building permit or business license, all facilities that have the potential to discharge petroleum oil, mineral oil, cutting oils, non-food grease, and solids, shall coordinate with the BOPU so that a properly sized and functioning sand interceptor or oil-water separator will be installed at the industrial user's expense or is currently in existence.
- e. Toilets, urinals, and similar fixtures shall not be plumbed through a ~~sand/oil/water separator~~ sand interceptor or oil water separator. Such fixtures shall be plumbed directly into the building sewer and waste system.
- f. Separators or interceptors 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~~ sand interceptor or oil water separator is easily accessible for inspection, cleaning, and removal of sand, oils, and other accumulated wastes.
- h. The industrial user shall always maintain separators or interceptors 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~~ Sand interceptors or 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 collected waste~~ 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~~ sand interceptor or 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~~ POTW. The industrial user should check the separator or interceptor 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, or through inspection by the BOPU, that less frequent cleaning is sufficient.
  - iii. Maintenance of ~~sand/oil/water separators~~ sand interceptor or oil water separator 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 or interceptors not performed by the industrial user's employees shall be performed by a waste hauler licensed by the Cheyenne/Laramie ~~county environmental health department~~ County Environmental Health Department. Liquid or solid waste removed from ~~an oil/water separator or~~ sand interceptor or oil water separator shall not be introduced back into the sanitary or storm sewer systems of the city of Cheyenne.

iv. In the event a separator or interceptor 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.~~ v. 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.~~ vi. Each industrial user that is required to use and maintain a ~~sand/oil/water separator~~ sand interceptor or oil water separator shall keep a record of every time the ~~sand/oil/water separator~~ sand interceptor or 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 interceptor or oil water separator, ~~sand/oil/water separator~~ site of disposal, and the amount of waste that was removed. Such records shall be reported to the BOPU at least once per year or as required and kept onsite for at least three (3) years. The removed contents from any ~~sand/oil/water separator~~ sand interceptor or oil water separator shall be handled by an employee of the industrial user or a person licensed to haul such waste and shall be disposed of in accordance with federal, state, and local regulations.

### **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 ~~BOPU's treatment works~~ POTW. 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.

### **13.20.590 - Sewer use surcharge.**

A. Rate Determination.

1. Sewer use surcharges ~~shall~~may be determined for 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.

**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~~ and in accordance with the industrial user's sewer usage determination.

**13.20.700 - Cease and desist orders.**

- A. When the BOPU ~~finds~~determines 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~~ or that part of the pretreatment process is currently missing or failing as determined by the BOPU or by a business/professional normally engaged in the servicing of this type of equipment, the 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.

**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 refuses access to the industrial user's premises for the purpose of inspection, monitoring, or sampling or who repeatedly violates ~~the following~~ any of the conditions specified in this subsection 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;  
or
5. Violation or continued violation of any part of this Chapter 13.20, Wastewater Treatment and Disposal.
- ~~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~~ interference of the POTW or 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, pursuant to this chapter, and an opportunity to ~~appeal~~ request a hearing regarding the proposed action is given to the ~~occupant and offending party~~. industrial user. After a hearing has been conducted, the industrial user, facility owner, or landowner shall bear the cost for additional hearings for continuing infractions that are the basis of the hearing already held if compliance with requirements of this chapter is not maintained for twelve (12) consecutive months. Nonpayment for the hearing within the required timeframe may result in disconnection of water service pursuant to Cheyenne City Code 13.04.180. Termination, suspension, or disconnection of the water and/or sewer service ~~will~~ may continue ~~until the trap or interceptor is functioning or installed in an approved manner, for a length of time determined to be appropriate by the BOPU as an enforcement action and/or administrative remedy regardless of whether the industrial user has achieved compliance.~~
2. If the BOPU finds that an industrial user ~~has violated or~~ continues to violate any part of ~~this chapter~~ 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~~ may continue for a length of time determined to be appropriate by the BOPU as an enforcement action and/or administrative remedy, and/or 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 BOPU finds it necessary to terminate, suspend, or disconnect water and/or sewer service to an industrial user's building or premises, it ~~must~~ shall immediately notify the city/county health department.

- C. Exercise of ~~this option~~ the authority by the BOPU provided under this section shall not be a bar to, or a prerequisite for, taking any other action against the industrial user.

**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, hand delivery, or process server at least seven (7) 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 (7) days of receipt of the notice. Failure of the industrial user, facility owner, or landowner 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 BOPU shall set a hearing time, date, and location. The BOPU shall notify the requesting party in writing by certified mail, hand delivery, or process server of the time, date, and location of the hearing. After a hearing has been conducted, the industrial user, facility owner, or landowner shall bear the cost for additional hearings for continuing infractions that are the basis of the hearing already held if compliance with requirements of this chapter is not maintained for twelve (12) consecutive months. Nonpayment for the hearing within the required timeframe may result in disconnection of water service pursuant to Section 13.04.180 of the Cheyenne City Code.
  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~~ issue an order, either verbal or written, suspending or revoking a permit, or terminating, suspending, or disconnecting water and/or sewer service as an emergency response. 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 (2) city business days. Emergency termination, suspension, or disconnection of water and/or sewer services may commence regardless of whether an industrial user has requested a hearing.

**13.20.830 - Prohibited discharge standards.**

- A. ~~A~~An 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~~Section 13.20.050.B 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.

Section 2. Sections, paragraphs, sentences, clauses, and phrases of this ordinance are severable. If any section, paragraph, sentence, clause, or phrase of this ordinance is declared unconstitutional or otherwise unlawful, such declaration shall not affect any of the remaining sections, paragraphs, sentences, clauses, and phrases.

Section 3. This ordinance shall be in full force and effect upon approval and publication.

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

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

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

\_\_\_\_\_  
PATRICK COLLINS, MAYOR

(SEAL)

ATTEST:

\_\_\_\_\_  
KRISTINA F. JONES, CITY CLERK

Published: \_\_\_\_\_  
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