

ORIGINAL ORDINANCE NO. 1920

INTRODUCED BY: Henry

ENROLLED ORDINANCE NO. 1687

AN ORDINANCE AMENDING CHAPTER 13.78 OF THE LARAMIE MUNICIPAL CODE TO REGULATE WASTEWATER PRETREATMENT AND DISPOSAL BY CITY SEWER SERVICE USERS AS REQUIRED TO COMPLY WITH APPLICABLE STATE AND FEDERAL LAWS INCLUDING THE CLEAN WATER ACT AND THE GENERAL PRETREATMENT REGULATIONS.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LARAMIE:

13.78.010. Legislative findings and objectives.

The city council finds that the Environmental Protection Agency and the State of Wyoming have required the City of Laramie to comply with industrial pretreatment provisions of the Clean Water Act of 1977 and the General Pretreatment Regulations (40 C.F.R., Part 403)

The objectives of this chapter are:

- A. To prevent the introduction into the municipal wastewater system of pollutants which can:
 - 1. Interfere with the operation of the system;
 - 2. Cause the wastewater treatment plant to violate its discharge permit;
 - 3. Contaminate biosolids produced by the wastewater treatment plant;
 - 4. Contaminate or otherwise adversely affect any treatment process or equipment at the wastewater treatment plant;
 - 5. Pass through the system inadequately treated into the receiving waters or the atmosphere;
 - 6. Present a health or safety threat to city employees and the public;
 - 7. Be otherwise incompatible with the city's wastewater collection and treatment system;
- B. To improve the opportunity to recycle and reclaim wastewaters and biosolids from the system;
- C. To establish uniform requirements for contributors to the wastewater collection and treatment system owned and operated by the city of Laramie;
- D. To provide for equitable distribution of the cost of the municipal wastewater system; and
- E. To provide for enforcement of this chapter.

(Ord. No. 1539, § 1, 11-5-2008)

13.78.020 Applicability.

This chapter applies to all persons within the city of Laramie, and to persons or other governmental jurisdictions outside the city who are, by contract or agreement with the city or otherwise, users of the city's wastewater treatment plant. This chapter supplements all other ordinances concerning wastewater and sewage treatment.

(Ord. No. 1539, § 2, 11-5-2008)

13.78.030 Administration.

Except as otherwise provided herein, the city manager or the city manager's designee shall administer, implement, and enforce the provisions of this chapter.

(Ord. No. 1539, § 3, 11-5-2008)

13.78.040 Definitions.

Unless the context specifically indicates otherwise, the following terms and phrases, as used in this ordinance, have these meanings:

Abbreviations Used. The following abbreviations have the designated meanings:

BMP	Best Management Practices
BOD	Biochemical Oxygen Demand
CFR	Code of Federal Regulations
COD	Chemical Oxygen Demand
EPA	Environmental Protection Agency
l	Liter
mg	Milligrams
mg/l	Milligrams per Liter
NAICS	The North American Industry Classification System
NPDES	National Pollutant Discharge Elimination System
POTW	The Laramie, WY Publicly Owned Treatment Works
SWDA	Solid Waste Disposal Act, 42, USC § 6904 et seq.
USC	United States Code
TTO	Total Toxic Organics
TSS	Total Suspended Solids

"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 director of the Wyoming Department of Environmental Quality when the State of Wyoming has an approved State Pretreatment Program; otherwise the administrator of the EPA; or an authorized representative.

"Authorized representative of industrial user." An authorized representative of an industrial user may be:

1. A responsible corporate officer, if the industrial user submitting the reports required by Section 13.78.080 is a corporation. For the purpose of this paragraph, a responsible corporate officer means:
 - a. A president, secretary, treasurer, or 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 which 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 control mechanism requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.
2. A general partner or proprietor if the industrial user submitting the reports required by Section 13.78.080 is a partnership, or sole proprietorship respectively.
3. A duly authorized representative of the individual designated above if:
 - a. The authorization is made in writing by the individual described above;
 - b. The authorization specifies either an individual or a position having responsibility for the overall operation of the facility from which the industrial discharge originates, such as the position of plant manager, operator of a well, or well field Superintendent, or a position of equivalent responsibility, or having overall responsibility for environmental matters for the company; and
 - c. The written authorization is submitted to the control authority.
4. If an authorization under this definition (authorized representative of industrial user) is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, or overall responsibility for the environmental matters for the company, a new authorization satisfying the requirements of this definition must be submitted to the control authority prior to or together with any reports to be signed by an authorized representative. The city may at any time require the production of written evidence of authority.

"Biochemical oxygen demand (BOD)" means the quantity of oxygen used in the biochemical oxidation of organic matter under standard laboratory procedure, five days at twenty degrees Celsius expressed as concentration (milligrams per liter (mg/l)) using methods included 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. All testing shall be performed by a laboratory certified for the procedures used.

"Biosolids" means any sewage sludge or material derived from sewage sludge that can be beneficially used. Beneficial use includes, but is not limited to, land application to agricultural land, forest land, a reclamation site or sale or give away to the public for home lawn and garden use.

"Best management practices." The term best management practices or BMPs means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to implement the prohibitions listed in 40 CFR Part 403.5(a)(1) and (b). BMPs also 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.

"Building sewer" means a sewer conveying wastewater from the premises of a user to a city sewer line.

"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) which apply to a specific category of users and which appear in 40 CFR Chapter I, Subchapter N, Parts 405-471.

"Categorical Industrial User" means any industrial user subject to a categorical Pretreatment standard or categorical standard.

"Certification" means a statement, reviewed by an authorized representative of the industrial user (as defined in in this section) and certified to by a qualified professional, indicating whether pretreatment standards are being met on a consistent basis, and, if not, whether additional operation and maintenance (O and M) and/or additional pretreatment is required for the industrial user to meet the pretreatment standards and requirements.

"City" means the city of Laramie, Wyoming.

"Composite sample."

1. Composite method:

- a. It is recommended that effluent operational data be obtained through twenty-four (24) hour flow proportional composite samples. Sampling may be done manually or automatically, and discretely or continuously. If discrete sampling is employed, at least twelve (12) aliquots should be composited. Discrete sampling may be flow proportioned either by varying the time interval between each aliquot or the volume of each aliquot. All composites should be flow proportional to either the stream flow at the time of collection of the influent aliquot or to the total influent flow since the previous influent aliquot.
- b. Effluent sample collection need not be delayed to compensate for hydraulic detention unless the POTW elects to include detention time compensation or unless the approval authority requires detention time compensation. The approval authority may require that each effluent sample is taken approximately one detention time later than the corresponding influent sample when failure to do so would result in an unrepresentative portrayal of actual POTW operation. The detention period should be based on a twenty-four-hour average daily flow value. The average daily flow should in turn be based on the average of the daily flows during the same month of the previous year.

"Control authority" means the city manager or designee of the city.

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

1. Uncontaminated, which is water used for cooling purposes only which has no direct contact with any raw material, intermediate or final product and which does not contain a detectable level of contaminants higher than that of the intake water; or
2. Contaminated, which is water used for cooling purposes only which may become contaminated either through the use of water treatment chemicals used for corrosion inhibitors or biocides, or by direct contact with process materials or wastewater.

"Direct discharge" means the discharge of treated or untreated wastewater directly to the waters of the State of Wyoming.

"Environmental Protection Agency" or "EPA" means the U.S. Environmental Protection Agency, or where appropriate the term denotes the administrator or other duly authorized official of the EPA.

"Existing source" means any source of discharge, the construction or operation of which commenced before the publication by EPA of proposed categorical pretreatment standards which will be applicable to that source if the standard is thereafter promulgated in accordance with Section 307 of the Act (33 USC §1251 et seq).

"Floatable oil" means oil, fat, or grease in a physical state such that it will separate by gravity from wastewater by treatment in an approved pretreatment facility.

"Grab sample" means an individual sample which 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 minutes.

"Grease trap or interceptor" means a mechanical device which is designed to retain fats, wax, grease, or oils which may solidify or become viscous at temperatures between thirty-two and one hundred-fifty degrees Fahrenheit (32—150 °F) or zero and sixty-five degrees Celsius (0—65 °C).

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

"Indirect discharge" means the discharge or the introduction of pollutants from any non-domestic source regulated under Section 307(b) or (c) or (d) of the Act (33 U.S.C. Section 1317) into the POTW or sewage treatment works of the city of Laramie (including but not limited to, holding tank waste discharged into the system).

"Industrial user" or "user" means any source of indirect discharge.

"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 city's NPDES permit (including an increase in the magnitude or duration of a violation) or of the prevention of sewage sludge use or disposal in compliance with any of the following statutory/regulatory provisions or permits issued thereunder, 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.

"May" is permissive.

"National pretreatment standard, pretreatment standard," or "standard." The term 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 USC §1251 et seq.), which applies to industrial users. This term includes prohibitive limits established pursuant to 40 CFR Part 403.5.

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

"National prohibited discharge standard" or "prohibited discharges" mean absolute prohibitions against the discharge of certain substances. These prohibitions appear in Section 13.78.050 of this chapter.

"New source" means:

1. Any building, structure, facility, or installation from which there is (or may be) a discharge of pollutants, the construction of which commenced after the publication of proposed pretreatment standards under Section 307(c) of the Act which will be applicable to such source if such standards are thereafter promulgated in accordance with that section, provided that:
 - 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 subsection (1)a., 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 definition has commenced if the owner or operator has:
 - a. Begun, or caused to begin, as part of a continuous on-site construction program any placement, assembly, or installation of facilities or equipment; or
 - b. Significant site preparation work including clearing, excavation, or removal of existing buildings, structures, or facilities which is necessary for the placement, assembly, or installation of new source facilities or equipment; or
 - c. Entered into a binding contractual obligation for the purchase of facilities or equipment which are intended to be used in its operation within a reasonable time. Options to purchase or contracts which can be terminated or modified without substantial loss, and contracts for feasibility, engineering, and design studies do not constitute a contractual obligation under this definition.

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

"North American Industry Classification System (NAICS)." The North American Industry Classification System (NAICS, pronounced Nakes) was developed as the standard for use by federal statistical agencies in classifying business establishments for the collection, analysis, and publication of statistical data related to the business economy of the U.S. NAICS was developed under the auspices of the Office of Management and Budget (OMB), and adopted in 1997 to replace the old Standard Industrial Classification (SIC) system.

"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 the treatment work.

"Pass through" means a discharge which leaves the POTW for waters of the state in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, causes a violation of any requirement of the POTW's NPDES permit (including but not limited to, any increase in the magnitude or duration of a violation).

"Person" means any individual, proprietorship, partnership, joint venture, firm, company, corporation, limited liability company, association, joint stock company, trust, estate, governmental entity or any other legal entity, and including legal representatives, agents or assigns. The masculine gender includes the feminine, the singular includes the plural where required or suggested by the context.

"pH" means the logarithm (base 10) of the reciprocal of the concentration of hydrogen ions expressed in moles per liter of solution.

"Pollutant" means any dredged spoil, solid waste, incinerator residue, sewage, garbage, rubbish, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discharged equipment, rock, sand, cellar dirt, soil, and industrial, municipal, agricultural waste, medical waste, or similar material of any nature, discharged into water. This list is not intended to be exclusive.

"Pollution" means the man-made or man-induced alteration of the chemical, physical, biological, or radiological characteristics of water.

"POTW treatment plant" means that portion of the POTW which is designed to provide treatment to wastewater.

"Pretreatment." The term pretreatment means the reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater prior to or in lieu of discharging or otherwise introducing such pollutants into a POTW. The reduction or alteration may be obtained by physical, chemical or biological processes, process changes or by other means, except as prohibited by 40 CFR Part 403.6(d). 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 Part 403.6(e). 40) Pretreatment requirements mean any substantive or procedural requirement related to pretreatment, other than a national pretreatment standard imposed on an industrial user.

"Pretreatment standard" or "standard" means any local, state or federal regulation containing pollutant discharge limits including those promulgated under 40 C.F.R. Section 403.5, and categorical pretreatment standards.

"Publicly owned treatment works (POTW)" means all treatment works as defined by Section 212 of the Act (33 U.S.C. Section 1292), owned by the city of Laramie. This definition includes any sewers which convey wastewater to the POTW treatment plant. For the purposes of this chapter, POTW includes any sewers which convey wastewaters to the POTW from persons outside of the city limits who are, by contract with the city or otherwise, users of the city's POTW. When the context requires, POTW includes the superintendent. 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.

"Residential contributor" means any contributor to the city's treatment works whose real estate is used for domestic dwelling purposes only.

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

"Sewer use charge" means a charge to users of the POTW based on sewage volume, strength, flow, water meter size, or combination thereof.

"Shall" is mandatory.

"Significant industrial user" means any industrial user of the city's wastewater disposal system who:

1. Is subject to categorical pretreatment standards; or
2. Has an average discharge flow of twenty-five thousand gallons or more of process water per operating day, excluding sanitary, noncontact cooling and boiler blow-down wastewater;
3. 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
4. Is found by the city, the Wyoming Department of Environmental Quality, or the U.S. Environmental Protection Agency (EPA) to have significant impact, either singly or in combination with other contributing users, on the wastewater treatment system, any component of the system, the quality of biosolids, the system's effluent quality, or air emissions generated by the system; or
5. Is found by the city to have a reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement.

Upon a finding that a user meeting the criteria in subsections (2), (3), (4), or (5) has no reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement, the city may at any time, on its own initiative or in response to a petition received from a user, and in accordance with the procedures in 40 CFR Section 403.8(f)(6), determine that the user should not be considered a significant industrial user.

"Significant Noncompliance." [Significant industrial users shall] comply with the public participation requirements of 40 CFR Part 25 in the enforcement of national pretreatment standards. These procedures shall include provision for at least annual public notification in a newspaper(s) of general circulation that provides meaningful public notice within the jurisdiction(s) served by the POTW of industrial users, which at any time during the previous twelve months, were in significant noncompliance with applicable Pretreatment requirements. For the purposes of this provision, a significant industrial user (or any industrial user which violates Section 13.78.070) is in significant noncompliance if its violation meets one or more of the following criteria:

1. Chronic violations of wastewater discharge limits, defined here as those in which sixty-six percent or more of all of the measurements taken for the same pollutant parameter during a six-month period exceed (by any magnitude) a numeric Pretreatment Standard or Requirement, including instantaneous limits, as defined by 40 CFR Part 403.3(1);
2. Technical review criteria (TRC) violations, defined here as those in which thirty-three percent or more of all of the measurements taken for the same pollutant parameter during a six-month period equal or exceed the product of the numeric Pretreatment Standard or Requirement including instantaneous limits, as defined by 40 CFR Part 403.3(1) 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 Standard or Requirement as defined by 40 CFR Part 403.3(1) (daily maximum, long-term average, instantaneous limit, or narrative Standard) that the POTW 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 Section 12(l)(A)(viii) to halt or prevent such a discharge;
5. Failure to meet, within ninety 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 forty-five days after the due date, required reports such as baseline monitoring reports, ninety-day compliance reports, periodic self-monitoring reports, and reports on compliance with compliance schedules.
7. Failure to accurately report noncompliance;
8. Any other violation or group of violations, which may include a violation of best management practices, which the POTW determines will adversely affect the operation or implementation of the local pretreatment program.

"Slug load" or "slug discharge." For purposes of this subsection, 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.

"State" means the State of Wyoming.

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

"Superintendent," for the purposes of this chapter, refers to the person designated by the city manager as public works director or designee.

"Suspended solids" means the suspended matter that floats on the surface of, or is suspended in, water, wastewater or other liquids, and which is removable by laboratory filtering, using methods included in 40 C. F. R., Part 136 and amendments thereto, or, if 40 C.F.R., Part 136 does not contain sampling or analytical techniques for the pollutant in question, in accordance with procedures approved by the EPA. All testing shall be performed by a laboratory certified for the procedures used.

"Toxic pollutant" means any pollutant or combination of pollutants listed as toxic in regulations promulgated by the administrator of the Environmental Protection Agency under the provisions of the Clean Water Act Section 307(a) or other acts.

"Treatment works" means any system for the storage, treatment, recycling and reclamation of municipal sewage, domestic sewage or liquid industrial wastes, and the devices which comprise the 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 wet well facilities; any works or land that will be used for ultimate disposal of residues resulting from 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.

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

"User charge" means that portion of the total wastewater service charge which is levied for the costs of operation and maintenance of the wastewater treatment works.

"Water meter" means a water volume measuring and recording device.

"Wastewater" means the liquid and water-carried industrial or domestic wastes from dwellings, commercial buildings, industrial facilities, and institutions, whether treated or untreated, which is contributed to or permitted to enter the POTW.

"Waters of the state means:"

1. All streams, lakes, ponds, marshes, watercourses, waterways, wells, springs, reservoirs, aquifers, irrigation systems, drainage systems and all other bodies or accumulations of water, surface or underground, natural or artificial, public or private, which are contained within, flow through, or border upon the State of Wyoming or any portion thereof.
2. Floodplain free-flowing waters determined by the city on the basis of one hundred-year flood frequency.

"Wastewater contribution permit" means a permit as set forth in this chapter.

(Ord. No. 1539, § 4, 11-5-2008)

13.78.050 Regulations.

1. **General Discharge Prohibitions.**
 - a. **General prohibitions.** A user may not introduce into a POTW any pollutant(s), which cause pass through or interference. These general prohibitions and the specific prohibitions in Section 13.78.050 apply to each User introducing pollutants into a POTW whether or not the User is subject to other national pretreatment standards or any national, state or local pretreatment requirements.
2. **Affirmative Defenses.** A user shall have an affirmative defense in any action brought against it alleging a violation of the general prohibitions established in Section 13.78.050 and the specific prohibitions Section 13.78.050 where the user can demonstrate that:
 - a. It did not know or have reason to know that its discharge, alone or in conjunction with a discharge or discharges from other sources would cause pass through or interference; and

- b. A local limit designed to prevent pass through and/or interference, as the case may be, was developed in accordance with Section 13.78.050 for each pollutant in the user's discharge that caused pass through and/or interference, and the user was in compliance with each such local limit directly prior to and during the pass through or interference; or
- c. If a local limit designed to prevent pass through and/or interference, as the case may be, has not been developed in accordance with Section 13.78.050 for the pollutant(s) that caused the pass through and/or interference, the user's discharge directly prior to and during the pass through and/or interference did not change substantially in nature or constituents from the user's prior discharge activity when the POTW was regularly in compliance with the POTW's NPDES permit requirements and, in the case of interference, applicable requirements for biosolids use or disposal.

3. Specific Prohibitions.

- a. Any liquids, solids or gases which by reason of their nature or quantity are, or may be, sufficient either alone or by interaction with other substances to cause fire or explosion or be injurious in any other way to the POTW or to the operation of the POTW. At no time shall two successive readings on an explosion hazard meter, at the point of discharge into the system (or at any point in the system) be more than five percent nor any single reading be over ten percent of the lower explosive limit for the substance tested for. Prohibited materials include, but are not limited to, gasoline, kerosene, fuel oil, naphtha, benzene, toluene, xylene, ethers, alcohols, ketones, aldehydes, peroxides, chlorates, perchlorates, bromates, carbides, hydrides and sulfides and any other substances which the city, the state or the EPA has determined is a fire hazard, explosion hazard, or a hazard to the system, and any waste stream with a closed cup flash point of less than one hundred forty degrees Fahrenheit (140 °F) or sixty degrees Celsius (60 °C) using the test methods specified in 40 C.F.R. Section 261.21;
- b. Solid or viscous substances which may cause obstruction to the flow in a sewer or other interference with the operation of the wastewater treatment facilities such as, but not limited to, grease, garbage with particles greater than one-half inch in any dimension, animal guts or tissues, paunch manure, bones, hair, hides or fleshings, entrails, whole blood, feathers, ashes, cinders, sand, spent lime, stone or marble dust, metal, glass, hay, straw, shavings, grass clippings, rags, spent grains, spent hops, waste paper, wood, plastics, gas, tar, asphalt residues, residues from refining, or processing of fuel or lubricating oil, mud, or glass grinding or polishing wastes,
- c. (a) Grease, oil, and sand interceptors shall be provided for all uses for which they are required under the Uniform Plumbing Code in effect in the city from time to time, or installed or modified when, in the opinion of the superintendent, they are necessary for the proper handling of liquid wastes containing grease or floatable oil in excessive amounts or any flammable wastes, sand, or other harmful substances, except that interceptors shall not be required for private living quarters or dwelling units. Modifications to existing interceptors may be required when the user's discharge is in violation of this chapter. All interceptors shall be of a type and capacity approved by the superintendent (unless type and capacity are clearly prescribed by the Uniform Plumbing Code) and shall be located so as to be readily accessible for cleaning and inspection. The city of Laramie has deemed it necessary to formalize its grease control program (listed below). Therefore, every user located within the approved boundary for accepting grease at the POTW shall abide by these rules or their wastes will not be accepted and enforcement actions listed in Section 13.78.120 may be carried out:
 - (i) Each user shall keep on record for a minimum of five years a record of all cleaning and other maintenance done to its grease trap or grease filtering device. The records shall be available to the Superintendent for review upon request. The frequency of cleaning shall be approved by the Superintendent and may be reviewed for revisions as a result of management practices.

- (ii) Each user shall provide the Superintendent with a copy of the record created during the most recent cleaning or maintenance activity within five days of the cleaning or maintenance taking place.
 - (iii) The superintendent will keep these records on file to ensure proper cleaning and maintenance is taking place on a yearly basis.
 - (iv) If proper maintenance and cleaning is not taking place, a fine will be charged to the user. This fine serves as compensation for the need of additional sewer cleaning and repair of damaged property due to sewer back-ups.
- (b) Any wastewater having a pH less than or equal to five (5.0) or greater than or equal to twelve (12.0), unless the POTW is specifically designed to accommodate such wastewater, or wastewater having any other property capable of causing damage or hazard to structures, equipment, or personnel of the POTW;
 - (c) Any wastewater containing toxic pollutants in sufficient quantity, either singly or by interaction with other pollutants, to injure or interfere with any wastewater treatment process, to constitute a hazard to humans or animals, to create a toxic effect in the receiving waters of the POTW, to cause or contribute to the concentration of pollutants in wastewater biosolids, or to exceed the limitation set forth in a categorical pretreatment standard. A toxic pollutant shall include but not be limited to any pollutant identified pursuant to Section 307(a) of the Act;
 - (d) Any noxious or malodorous liquids, gases, or solids which either singly or by interaction with other wastes are sufficient to create a public nuisance or hazard to health or life or are sufficient to prevent or hinder entry into the sewers for maintenance and repair;
 - (e) Any substance which alone or in conjunction with other wastes may cause the POTW to violate its NPDES permit; or other product of the POTW such as residues, biosolids, or scum, to be unsuitable for reclamation and reuse or to interfere with the reclamation process. In no case shall a substance be discharged to the POTW which may cause the POTW to be in noncompliance with biosolids use or disposal criteria, guidelines or regulations developed under Section 405 or 503 of the Act; any criteria, guidelines, or regulations affecting biosolids use or disposal developed pursuant to the Solid Waste Disposal Act, the Clean Air Act, the Toxic Substances Control Act, or state criteria applicable to the biosolids management techniques being used;
 - (f) Any grease or oil of petroleum or animal fat origin or nonbiodegradable cutting oil, or products of mineral oil origin which alone or in conjunction with other pollutants could potentially cause pass through or interference within the system. The POTW reserves the right to limit the amount of oils and grease discharged by any commercial or industrial user;
 - (g) Heat in amounts which will inhibit biological activity in the POTW resulting in interference, but in no case heat in such quantities that the wastewater temperature entering the POTW treatment plant exceeds forty degrees centigrade (40 °C) (one hundred four degrees Fahrenheit (104 °F)) unless the approval authority, upon request of the POTW, approves an alternate temperature limit;
 - (h) 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;
 - (i) Any wastewater with objectionable color not removed in the treatment process, such as but not limited to, dye wastes and vegetable tanning solutions;
 - (j) Any pollutants, including oxygen-demanding pollutants, released at a flow rate or pollutant concentration which will cause interference to the POTW. In no case shall a slug load have a flow rate or contain concentration or quantities of pollutants that exceed for any period longer than fifteen minutes more than five times the average twenty-four-hour concentration, quantities, or flow during normal operation;

- (k) Any wastewater containing any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the superintendent in compliance with applicable state or federal regulations;
- (l) No person shall introduce truck or tanker-hauled waste of any nature into the POTW or the city's wastewater collection system except at a location designated by the superintendent, and with such notice as the superintendent shall require. The superintendent may require evidence of the source and quality of hauled wastes and may prohibit the introduction of hauled waste into the POTW and the city's wastewater collection system. The superintendent may adopt procedures for the protection of the POTW which include but are not limited to, requiring waste disposal manifests and an annual license or permit required to be obtained by each waste hauler under reasonable standards. Any waste hauler who is aggrieved by a licensing or permit decision of the superintendent may appeal the decision to the city council. The superintendent may establish and amend a schedule of charges sufficient to cover the costs of accepting and treating truck or tanker-hauled waste. The city council may change the schedule of charges from time to time by minute action;
- (m) No person shall introduce solids, sludges, filter backwash or other pollutants removed in the course of pretreatment into the POTW.

4. Specific Pollutant Limitations Designated.

- a. Maximum total allowable industrial concentration that can be accepted at the POTW in accordance with guidance established by federal law is limited to:

Pollutant	Calculated Uniform Local Limits for SIUs (mg/l)
Arsenic	3.151
Cadmium	0.061
Chromium (total)	1.160
Chromium III	0.673
Chromium VI	0.486
Copper	1.603
Lead	0.296
Mercury	0.002
Molybdenum	3.443
Nickel	3.733

Selenium	0.017
Silver	1.006
Zinc	8.568
BTEX	750µg/l
Benzene	50µg/l
TPH	250 mg/l
Flash Point	> 140 °F or > 60 °C
Lower Explosive Limit	
(each explosive compound)	5.0%
pH	> 5.0 and < 12.0

- b. The city may issue general permits to control regulated Industrial Users and may adopt best management practices (BMPs) for users as needed to implement this chapter. BMPs may be implemented through a permit, order or notice. Such BMP's shall be considered local limits and Pretreatment Standards for the purposes of this part and section 307 (d) of the Act.
 - c. Any other specific pollutants identified by the city may also have specific effluent permit limitations set by the city to restrict their discharge into the system. The superintendent may set such limits.
5. Superintendent's Powers. When the superintendent determines that a user is contributing any of the above-enumerated substances (or heat) to the POTW in amounts which interfere with the operation of the POTW, the superintendent may:
 - a. Advise the user of the impact of the contribution on the POTW;
 - b. Develop effluent limitations for the user to correct the situation;
 - c. Require the user to cease the contributions;
 - d. Prevent the user's waste stream from entering the POTW; and
 - e. Take any enforcement action authorized by this chapter.

The superintendent may take any or all of these actions in any sequence.
6. Federal Categorical Pretreatment Standards. Upon the promulgation of federal categorical pretreatment standards for a particular industrial subcategory, the categorical industrial user shall comply with the most stringent applicable standard, whether under this chapter, state standards and permit conditions, or federal standards, by applicable deadlines. The superintendent shall notify all

affected users of which he has knowledge, of the applicable reporting requirements under 40 C.F.R. Section 403.12.

7. **Modification of Federal Categorical Pretreatment Standards.** Where the city's wastewater treatment system achieves consistent removal of pollutants limited by federal categorical pretreatment standards, the city may apply to the approval authority for modification of specific limits in the federal pretreatment standards. "Consistent removal" means reduction in the amount of a pollutant or alteration of the nature of the pollutant by the wastewater treatment system to a less toxic or harmless state in the effluent which is achieved by the system in ninety-five percent of the samples taken when measured according to the procedures set forth in 40 C.F.R. Section 403.7(c)(2), "General Pretreatment Regulations for Existing and New Sources of Pollution" promulgated pursuant to the Act. The city may then modify pollutant discharge limits in the Federal Pretreatment Standards if the requirements contained in 40 C.F.R., Part 403, Section 403.7 are fulfilled and prior approval of the approval authority is obtained.
8. **State Requirements.** State requirements and limitations on discharges shall apply in any case where they are more stringent than federal requirements and limitations or those in this chapter.
9. **City's Right to Revise.** The city reserves the right to establish by ordinance more stringent limitations or requirements on discharges to the wastewater disposal system if necessary or convenient to promote the objectives of this chapter.
10. **Prohibition against Dilution as Treatment.** Dilution prohibited as substitute for treatment. Except where expressly authorized to do so by an applicable Pretreatment Standard or Requirement, no Industrial User shall ever increase the use of process water, or in any other way attempt to dilute a Discharge as a partial or complete substitute for adequate treatment to achieve compliance with a Pretreatment Standard or Requirement. The Control Authority may impose mass limitations on Industrial Users, which are using dilution to meet applicable Pretreatment Standards or Requirements, or in other cases where the imposition of mass limitations is appropriate.
11. **Hazardous Waste Discharge.**
 - a. The Industrial User 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 kilograms of such waste per calendar month to the POTW, the notification shall also contain the following information to the extent such information is known and readily available to the Industrial User: An identification of the hazardous constituents contained in the wastes, an estimation of the mass and concentration of such constituents in the wastestream discharged during that calendar month, and an estimation of the mass of constituents in the wastestream expected to be discharged during the following twelve months. All notifications must take place within one hundred and eighty days of the effective date of this rule. Industrial users who commence discharging after the effective date of this rule shall provide the notification no later than one hundred and eighty days after the discharge of the listed or characteristic hazardous waste. Any notification under this paragraph need be submitted only once for each hazardous waste discharged. However, notifications of changed discharges must be submitted under 40 CFR 403.12(j). The notification requirement in this section does not apply to pollutants already reported under the self-monitoring requirements of 40 CFR 403.12(b), (d), and (e).
 - b. Discharges are exempt from the requirements of paragraph 40 CFR 403.12 (p)(1) during a calendar month in which they discharge no more than fifteen kilograms of hazardous wastes, unless the wastes are acute hazardous wastes as specified in 40 CFR 261.30(d) and 261.33(e). Discharge of more than fifteen kilograms of non-acute hazardous wastes in a calendar month, or of any quantity of acute hazardous wastes as specified in 40 CFR 261.30(d) and 261.33(e), requires a one-time notification.

- c. Subsequent months during which the industrial user discharges more than such quantities of any hazardous waste do not require additional notification.
 - d. In the case of any new regulations under section 3001 of RCRA identifying additional characteristics of hazardous waste or listing any additional substance as hazardous, the Industrial User must notify the POTW, 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.
 - e. In the case of any notification made under paragraph 40 CFR 403.12 (p), the industrial user shall certify that it has a program in place to reduce the volume and toxicity of hazardous waste generated to the degree it has determined to be economically practical.
12. Accidental Discharge/Slug Discharge Control Plans. The superintendent shall evaluate whether each SIU needs an accidental discharge/slug discharge control plan or other action to control slug discharges. The superintendent may require any user to develop, submit for approval, and implement such a plan or take such other action that may be necessary to control slug discharges. Alternatively, the superintendent may develop such a plan for any User. An accidental discharge/slug discharge control plan shall address, at a minimum, the following:
- a. Description of discharge practices, including nonroutine batch discharges.
 - b. Description of stored chemicals;
 - c. Procedures for immediately notifying the superintendent of any accidental or slug discharge, as required by Section 13.78.070; and
 - d. 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.
 - e. Whenever the facility changes its operations in such a way as to change the potential for Slug Discharge, the plan must be updated.
13. Reports of Potential Problems.
- a. In the case of any discharge, including, but not limited to, accidental discharges, discharge of a nonroutine, episodic nature, a noncustomary batch discharge, a slug discharge or slug load that might cause potential problems for the POTW, the user shall immediately telephone and notify the superintendents 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 user.
 - b. Within five days following such discharge, the user shall, unless waived by the superintendent, submit a detailed written report describing the cause(s) of the discharge and the measures to be taken by the user to prevent similar future occurrences. Such notification shall not relieve the user of any expense, loss, damage, or other liability, which might be incurred as a result of damage to the POTW, natural resources, or any other damage to any person or property; nor shall such notification relieve the user of any fines, penalties, or other liability, which may be imposed pursuant to this chapter.
 - c. A notice shall be permanently posted on the user's bulletin board or other prominent place advising employees who to call in the event of a discharge described in Section 17.78.050. 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 Superintendent immediately of any changes at its facility affecting the potential for a slug discharge.
14. Records.

- a. Any industrial user and POTW subject to the reporting requirements established in this section shall maintain records of all information resulting from any monitoring activities required by this section, including documentation associated with BMP. Such records shall include for all samples:
 - (i) The date, exact place, method, and time of sampling and the names of the person or persons taking the samples;
 - (ii) The dates analyses were performed;
 - (iii) Who performed the analyses;
 - (iv) The analytical techniques/methods used; and
 - (v) The results of such analyses.
- b. Any industrial user and POTW subject to the reporting requirements established in this section (including documentation associated with best management practices) shall be required to retain for a minimum of five (5) years any records of monitoring activities and results (whether or not such monitoring activities are required by this section) and shall make such records available for inspection and copying by the director and the regional administrator (and POTW in the case of an Industrial User). This period of retention shall be extended during the course of any unresolved litigation regarding the industrial user or POTW or when requested by the director or the regional administrator.
- c. Any POTW to which reports are submitted by an industrial user pursuant to Section 13.78.080 shall retain such reports for a minimum of five (5) years and shall make such reports available for inspection and copying by the Director and the Regional Administrator. This period of retention shall be extended during the course of any unresolved litigation regarding the discharge of pollutants by the Industrial User or the operation of the POTW Pretreatment Program or when requested by the Director or the Regional Administrator.

15. Sample Collection Procedures.

- a. The reports required in any paragraph in Section 13.78.080 must be based upon data obtained through appropriate sampling and analysis performed during the period covered by the report, which data are representative of conditions covered by the report, which data are representative of conditions occurring during the reporting period. The city of Laramie shall require a frequency of monitoring necessary to assess and assure compliance by industrial users with applicable pretreatment standards and Requirements. Grab samples must be used for pH, cyanide, total phenols, oil and grease, sulfide, and volatile organic compounds. For all other pollutants, twenty-four-hour composite samples must be obtained through flow-proportional composite sampling techniques, unless the Control Authority authorizes time-proportional composite sampling or grab sampling. Where time-proportional composite sampling or grab sampling is authorized by the control authority, the samples must be representative of the discharge and the decision to allow the alternative sampling must be documented in the industrial user file for the facility or facilities. 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, as appropriate.
- b. For sampling required in support of baseline monitoring and ninety-day compliance reports required in Section 13.78.080, 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 may authorize a lower minimum. For the reports required by Section 13.78.080, the control authority shall require the number of grab samples necessary to assess and assure compliance by industrial users and applicable pretreatment standards and requirements.

- c. **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 C.F.R., Part 136 and amendments thereto, or, if 40 C.F.R., Part 136 does not contain sampling or analytical techniques for the pollutant in question, in accordance with procedures approved by the EPA. All testing shall be performed by a laboratory certified for the procedures used.
16. **Confidential Information.** Information and data (other than effluent data) about a user obtained from reports, questionnaires, permit applications, permits and monitoring programs and from inspections shall be available to the public unless the user specifically requests and is able to demonstrate to the satisfaction of the superintendent that the release of the information would divulge information, processes, or methods of production entitled to protection as trade secrets of the user. Any such request must be asserted at the time of submission of the information or data. When a confidentiality claim is asserted, the information shall be treated as confidential until a determination is made by the superintendent. Effluent data shall not be made confidential.
17. When the user furnishing a report satisfies the POTW that the user has made the demonstration required by Section 13.78.050, the portions of any report which might disclose trade secrets or secret processes shall not be available for inspection except by the city, state or EPA for uses related to this chapter. Confidential portions of a report shall be available for use by the city, state or EPA in judicial review or enforcement proceedings involving the person or user furnishing the report. Effluent data will not be recognized as confidential information. Right of entry, inspection, and sampling. Representatives of the POTW, the state, and the EPA, upon showing proper identification, shall be permitted to enter and inspect the premises of any user who may be subject to the requirements of this chapter to determine whether the user is in compliance with all requirements of this chapter, wastewater contribution permit, or order. Industrial users shall allow representatives of the POTW, the state, and the EPA access to all premises at all times under the circumstances for the purposes of inspection, sampling, examining or copying records and the use of digital photos during inspections and monitoring in the performance of their duties. The EPA, state and city shall have the right to install on the user's property devices, equipment, and access locations necessary or convenient to conduct sampling and monitoring. Where a user has security or safety measures in force, the user shall make arrangements in advance at the user's expense so that EPA, state, and city personnel are permitted to enter the premises for the purposes expressed in this section. The POTW shall inspect and sample the effluent from each significant industrial user at least once per year.
18. All industrial users shall promptly notify the POTW in advance of any substantial change in the volume or character of pollutants in their discharges, including the listed or characteristic hazardous wastes for which the industrial user has submitted initial notification under 40 CFR 403 12(p).

(Ord. No. 1539, § 5, 11-5-2008)

13.78.060 Administration.

1. **Wastewater Discharges.** It is unlawful for any person to discharge any wastewater to any natural or man-made outlet within the city or in any area under the jurisdiction of the city, or to the POTW, without a wastewater contribution permit, except as authorized by the superintendent in accordance with the provisions of this chapter.
2. **Wastewater Contribution Permits.**
 - a. **Permits Required.** All significant industrial users proposing to connect to or contribute to the POTW shall obtain a wastewater contribution permit before connection to or contributing wastewater to the POTW. The superintendent shall fix a date not sooner than December 31, 1995 by which each existing significant industrial user shall have a wastewater contribution permit. **Permit Application.** Existing users required to obtain a wastewater contribution permit shall complete and file with the city an application in the form prescribed by the superintendent, accompanied by the required fees. Proposed new users shall apply at least ninety days before connecting to or contributing to the POTW. On the applications, the user shall submit the following

information in units and terms appropriate for evaluation: Name, address, and location of the facility; and names of owners and operators;

- b. NAICS Number According to the North American Industry Classification System. Wastewater constituents and characteristics, including but not limited to those mentioned in Subsection 13.78.050.B.1 as determined by a certified analytical laboratory; sampling and analysis shall be performed in accordance with procedures established by the EPA pursuant to Section 304(g) of the Act (33 USC §1251 et seq.) and contained in 40 CFR, Part 136, as amended. Time and duration of contribution;
- c. Average daily and thirty minute peak wastewater flow rates including daily, monthly, and seasonal variations, if any;
- d. Site plans, floor plans, mechanical and plumbing plans, and details showing all sewers, sewer connections, and appurtenances by size, location, and elevation and a current water use schematic;
- e. Description of activities, facilities, and plant processes on the premises including all materials which are or could be discharged;
- f. The nature and concentration of any pollutants in the discharge which are limited by any federal, state, or local limits and a statement signed by an authorized representative of the user and certified by a qualified professional regarding whether or not the pretreatment standards are being met on a consistent basis and if not, whether additional operations and maintenance or additional pretreatment is required for the user to meet applicable pretreatment standards;
- g. If additional pretreatment, or operations and maintenance, is required to meet the pretreatment standards, the shortest schedule by which the user can provide the additional pretreatment. The completion date in this schedule shall not be later than the compliance date established for the applicable pretreatment standard.

The following conditions apply to the schedule:

- (i) The schedule shall contain increments of progress stated as dates for beginning and completing design, construction and beginning operation of additional pretreatment required. No increment of progress in Section 13.78.060 shall exceed nine months. Not later than fourteen days following each date in the schedule and the final date for compliance, the user shall submit a progress report to the superintendent, including at a minimum, whether or not the user complied with the increment of progress to be met on that date and, if not, the date on which it expects to comply with this increment of progress, the reason for delay, and the steps being taken by the user to return to the schedule established. No more than nine months shall elapse between progress reports. Each product and byproduct produced by type, amount, process or processes, and rate of production;
 - (ii) Type and amount of raw materials processed (average and maximum per day);
 - (iii) Number and type of employees and hours of operation of plant and proposed or actual hours of operation of pretreatment system;
 - (iv) List of any environmental control permits for the facility, including permits held, applied for, or required but not yet applied for;
 - (v) All other information which the superintendent determines is necessary or convenient for evaluation of the application.
- h. The superintendent will evaluate the data furnished by the user and may require additional information. After evaluation and acceptance of the data furnished, the superintendent may issue a wastewater contribution permit subject to terms and conditions as allowed by this chapter.

(Ord. No. 1539, § 6, 11-5-2008)

13.78.070 Wastewater contribution permit requirements.

1. Permit Contents. Permits shall contain, as appropriate, the following:
 - a. Statement of duration (not to exceed five years), issuance and expiration dates;
 - b. Effluent limitations based on the more stringent of applicable categorical pretreatment standards, local limits, including BMPs, as established by this or any other ordinance, or federal, state, or other local laws;
 - c. General and specific discharge prohibitions;
 - d. Requirements to pay fees for the wastewater to be discharged to the POTW;
 - e. Limitations on the average and maximum rate and time of discharge or requirements for flow regulation and equalization;
 - f. Requirements for installation and maintenance of inspection and sampling facilities;
 - g. Requirements and specifications for monitoring programs, including sampling locations, frequency of sampling, number, types and standards for tests, and reporting schedule;
 - h. Compliance schedules;
 - i. Requirements for submission of technical reports, discharge reports or certification statements. These include any reporting requirements contained in a National Categorical Standard or pretreatment requirement;
 - j. Requirements for collecting and retaining samples and providing access to plant records relating to discharge and for providing entry for sampling and inspection;
 - k. Requirements for notification of any new introduction of wastewater constituents or any substantial change in the volume or character of the wastewater constituents being introduced into the wastewater treatment system;
 - l. Requirements for notification of spills and conditions which may cause problems to the POTW, such as slug loadings, upsets, and violations;
 - m. Requirements for installation, operation and maintenance of pollution control equipment;
 - n. Requirements to develop and implement spill and slug control plans. Requirement to notify the Superintendent immediately of any changes at its facility affecting the potential for a slug discharge;
 - o. Evaluate whether each such significant industrial user needs a plan or other action to control slug discharges. For industrial users identified as significant prior to November 14, 2005, this evaluation must have been conducted at least once by October 14, 2006; additional Significant Industrial Users must be evaluated within one year of being designated a Significant Industrial User. The results of such activities shall be available to the approval authority upon request. Significant Industrial Users are required to notify the POTW immediately of any changes at its facility affecting potential for a slug discharge. If the POTW decides that a slug control plan is needed, the plan shall contain, at a minimum, the following elements:
 - (i) Description of discharge practices, including non-routine batch discharges;
 - (ii) Description of stored chemicals;
 - (iii) Procedures for immediately notifying the POTW of slug discharges, including any discharge that would violate a prohibition under 40 CFR Part 403.5(b) with procedures for follow-up written notification within five days;

If necessary, procedures to prevent adverse impact from accidental spills, including inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site run-off, worker training, building of

containment structures or equipment, measures for containing toxic organic pollutants (including solvents), and/or measures and equipment for emergency response.

- p. Other conditions the superintendent deems appropriate to ensure compliance with federal and state pretreatment standards and requirements and this chapter;
 - q. Statement of applicable civil and criminal penalties under this chapter for violation of pretreatment standards and requirements;
 - r. Statement of non-transferability;
 - s. Conditions for modification or revocation of permit;
 - t. Those conditions for operation, pretreatment, or facilities as will, in the superintendent's opinion, allow the permittee to meet the pretreatment standards required by applicable law.
 - u. Record keeping requirements.
2. **Permit Duration.** Permits shall be issued for a specified time as determined by the superintendent, not to exceed five years. A permit may be issued for a period of less than one year. A permit may be stated to expire on a specific date. The user shall apply for a new permit a minimum of ninety days before the expiration of the user's existing permit. The terms and conditions of the permit are subject to modification by the superintendent during its term as limitations or requirements as identified in this chapter or in the permit are modified, or other just cause exists. The user shall be informed of any proposed changes in the permit at least thirty days before the effective date of the change. Any changes or new conditions in the permit shall include a reasonable schedule for compliance.
3. **Permit Transfer.** Wastewater discharge permits are issued to a specific user for a specific operation at a specific location. A wastewater discharge permit is void if it is assigned or transferred; or if the permittee is sold or leased to a new owner or new user, or is moved to different premises, without, at a minimum, prior notification the POTW and provision of a copy of the existing control mechanism to the new owner or operator". A wastewater discharge permit may not be used for a new or changed process or operation without the advance approval of the superintendent in writing.
4. **Permit Modification.** The superintendent may modify an individual wastewater discharge permit for good cause, including, but not limited to, the following reasons:
- a. To incorporate any new or revised federal, state, or local pretreatment standards or requirements;
 - b. To address significant alterations or additions to the user's operation, processes, or wastewater volume or character since the time of the individual wastewater discharge permit issuance;
 - c. A change in the POTW that requires either a temporary or permanent reduction or elimination of the authorized discharge;
 - d. Information indicating that the permitted discharge poses a threat to the city's POTW, city personnel, or the receiving waters;
 - e. Violation of any terms or conditions of the individual wastewater discharge permit;
 - f. Misrepresentations or failure to fully disclose all relevant facts in the wastewater discharge permit application or in any required reporting;
 - g. Revision of or a grant of variance from categorical pretreatment standards pursuant to 40 CFR 403.13;
 - h. To correct typographical or other errors in the individual wastewater discharge permit; or
 - i. To reflect a transfer of the facility ownership or operation to a new owner or operator where requested in accordance with Section 13.78.070(C).
5. **Permit Appeals.** A permit applicant may appeal to the city manager from the denial of a permit by the superintendent or from the superintendent's decision to issue a permit with conditions, upon the grounds that the superintendent's decision is contrary to law, is arbitrary and capricious, or is not supported by substantial evidence. The following rules shall apply to appeals under this section:

- a. A written petition for review shall be submitted within ten days of the decision appealed from, indicating which permit provisions are objected to, the reasons for the objection, and any alternative conditions sought. Failure to submit a timely petition is a waiver of the right to appeal.
 - b. Conditions of the permit are not stayed pending appeal. The city manager shall within thirty days of receipt of the written petition hold a hearing upon the appeal. The city manager may designate a hearing officer to hear and decide the appeal. The petitioner and the superintendent and their witnesses may be heard at the hearing, in person or through counsel. Following the hearing, the city manager or hearing officer shall promptly issue a written decision.
 - c. The city council may adopt and amend rules of practice and procedure for hearings under this chapter.
 - d. The city manager's decision is a final action for the purposes of judicial review.
 - e. Aggrieved parties seeking judicial review of the city manager's decision shall do so in accordance with Wyoming law.
6. Continuation of Expired Permits. There is no continuation of permits that have reached the expiration date.
7. Special Agreements. Nothing in this chapter shall be construed to prevent special agreements between the POTW and a user whereby wastewater of unusual strength or character is accepted in the POTW. No discharges violating pretreatment standards shall be allowed by special agreements.
8. Monitoring.
- a. Users shall provide and maintain in a safe and proper condition, at their own expense, facilities to allow the representatives of the POTW, EPA, or the state to inspect, sample, or measure flows from all wastewater subject to this chapter.
 - b. Each user shall provide ample room in or near the user's facilities to allow accurate sampling and preparation of samples for analysis.
 - c. If locating such facilities on a user's property is impractical because of space limitations, the user may apply to the city for permission to construct sampling locations in the public right-of-way at a location designated by the superintendent.
 - d. The sampling facilities and location are subject to the approval of the superintendent. The superintendent may require changes in sampling facilities and in sampling facility location if he or she finds that the facilities provided by a user do not afford reasonable access.
9. Bypass.
- a. Bypass Prohibited. Bypass is prohibited. The POTW may take enforcement action against an individual user for a bypass unless:
 - (i) Bypass was unavoidable to prevent loss of life, personal injury or severe property damage.
 - (ii) There are no feasible alternatives to bypass, such as the use of auxiliary treatment facilities, retention of wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate backup equipment should have been installed to prevent bypass which occurred during normal periods of equipment downtime or preventative maintenance; and
 - (iii) The industrial user submitted the notices required by this section. The POTW may approve an anticipated bypass, after considering its adverse effects, if the POTW determines that it will meet the two conditions listed in the Section 13.78.090(1)(2).
 - b. Notice.
 - (i) If an industrial user knows in advance of the need for a bypass, it shall submit prior notice to the POTW, at least ten days before the date of the bypass if possible, otherwise as soon as the need becomes known to the user.

- (ii) An industrial user shall orally notify the POTW immediately of any unanticipated bypass that exceeds applicable pretreatment standards or requirements. The user shall provide a written statement to the POTW within five days of the time the user becomes aware of the bypass. The written statement shall contain a description of the bypass, including exact times and dates, and if the bypass has not been corrected, the time during which the bypass is expected to continue; and steps taken or planned (with timetable) to reduce, eliminate and prevent recurrence of the bypass.

10. Upset Provisions (limited to categorical Pretreatment Standards only)

- a. Definition. 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. An upset shall constitute an affirmative defense to an action brought for noncompliance with pretreatment standards if the requirements of the next subsection are met.
- c. Conditions Necessary for Demonstration of Upset as Affirmative Defense. 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:
 - (i) An upset occurred and the industrial user can identify the cause of the upset;
 - (ii) The facility was designed and constructed so that under normal operation (and including routine maintenance) there would be no upset;
 - (iii) The facility was at the time being operated in a prudent and workmanlike manner and in compliance with applicable operations and maintenance procedures; and
 - (iv) The industrial user has submitted the following information to the POTW and the superintendent within twenty-four hours of becoming aware of the upset. (If this information is provided orally, a written submission must follow within five days of the time when the user became aware of the upset):
 - 1. A description of the discharge and cause of noncompliance;
 - 2. The period of noncompliance, including exact dates and times, or, if not corrected, the anticipated time the noncompliance is expected to continue; and
 - 3. Steps being taken or planned (with timetable) to reduce, eliminate and prevent recurrence of the noncompliance.

11. Burden of Proof. In an enforcement proceeding the industrial user seeking to establish the occurrence of an upset has the burden of proof.

12. User Responsibility in Case of Upset. The industrial user shall control production or control all discharges to the extent necessary to maintain compliance with pretreatment standards upon reduction, loss, or failure of its pretreatment facility until the facility is restored or an alternative method of pretreatment is provided. This requirement applies as well when the primary source of power of the pretreatment facility is reduced, lost, or fails.

(Ord. No. 1539, § 7, 11-5-2008)

13.78.080 Reporting.

1. Baseline Report for Categorical Discharges Only.

- a. Industrial users subject to national categorical pretreatment standards shall submit baseline reports to the POTW in a form and at such times as are prescribed by the superintendent.

- b. Within one hundred eighty days after the effective date of a national categorical pretreatment standard, or one hundred eighty days after a final administrative decision has been made upon a categorical determination submission in accordance with 40 C.F.R. Section 402.6(a)(4), whichever is later, industrial users which are existing sources subject to such national categorical pretreatment standards and currently discharging to the POTW shall submit a properly completed baseline report.
- c. New sources, when subject to a national categorical pretreatment standard, shall submit a baseline report at least ninety days before commencement of discharge to the POTW.
- d. In support of the baseline report, the industrial user shall submit, in units and terms specified in the application, the following information:
 - (i) Name and address of the facility including the names of the operator and owners;
 - (ii) List of any environmental control permits held by or for the facility;
 - (iii) Brief description of the nature, average rate of production, and standard industrial classification of the operation(s) carried out by the user. This description shall include a schematic process diagram indicating points of discharge to the POTW from the regulated processes;
 - (iv) Information showing the measured average daily and maximum daily flow, in gallons per day, to the POTW from each of the following:
 - 1. Regulated process streams; and
 - 2. Other streams as necessary to allow use of the combined waste stream formula of 40 C.F.R. Section 403.6(e).
 - (v) The superintendent may allow for verifiable estimates of these flows. Measurement of Pollutants. The user shall identify the National Categorical Pretreatment Standards applicable to each regulated process;
 - 1. In addition, the user shall submit the results of sampling and analysis identifying the nature and concentration (or mass, where required by the standard or control authority) of regulated pollutants in the Discharge from each regulated process. Both daily maximum and average concentration (or mass, where required) shall be reported. any and all additional monitoring shall also be reported. The sample shall be representative of daily operations. In cases where the Standard requires compliance with a best management practice or pollution prevention alternative, the User shall submit documentation as required by the control authority or the applicable standards to determine compliance with the standard; The user shall take a minimum of one representative sample to compile that data necessary to comply with the requirements of this paragraph. 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 user should measure the flows and concentrations necessary to allow use of the combined wastestream formula of 40 CFR Part 403.6(e) in order to evaluate compliance with the Pretreatment Standards. Where an alternate concentration or mass limit has been calculated in accordance with 40 CFR Part 403.6(e) this adjusted limit along with supporting data shall be submitted to the control authority; sampling and analysis shall be performed in accordance with the techniques prescribed in 40 CFR Part 136 and amendments thereto. Where 40 CFR Part 136 does not contain sampling or analytical techniques for the pollutant in question, or where the Administrator determines that the Part 136 sampling and analytical techniques are inappropriate for the pollutant in question, sampling and analysis shall be performed by using validated analytical methods or any other applicable sampling and analytical procedures, including procedures suggested by the POTW or other parties, approved by the administrator; the control authority may allow the submission of a baseline report

which utilizes only historical data so long as the data provides information sufficient to determine the need for industrial pretreatment measures;

- (vi) The baseline report shall indicate the time, date and place, of sampling, and methods of analysis, and shall certify that such sampling and analysis is representative of normal work cycles and expected pollutant Discharges to the POTW.
 - (vii) The report shall contain a statement to be reviewed by an authorized representative of the Industrial User (as defined in paragraph (1) of this section) and certified to be a qualified professional, indicating whether Pretreatment Standards are being met on a consistent basis, and if not whether additional operation and maintenance (O and M) and/or additional Pretreatment is required for the Industrial User to meet the Pretreatment Standards and Requirements.
- e. Compliance Schedule Progress Reports. The following conditions shall apply to any schedule submitted and required in Section 13.78.0808(A)(4)(6):
- (i) The schedule shall contain increments of progress stated as dates for completing design, construction, and operation of additional pretreatment required for the user to meet the applicable National Categorical Pretreatment Standards.
 - (ii) No increment of progress in Section 13.78.080(A)(4)f(a) shall exceed nine months.
 - (iii) Not later than fourteen days following each date in the schedule and the final date for compliance, the user shall submit a progress report to the superintendent, including, at a minimum, whether or not the user complied with the increment of progress to be met on that date and, if not, the date on which it expects to comply with this increment of progress, the reason for delay, and the steps being taken by the user to return to the schedule established. No more than nine months shall elapse between progress reports.
- f. Such other information as may reasonably be requested by the superintendent.
2. Reports on compliance with categorical pretreatment standards deadline. Within ninety 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 user subject to categorical pretreatment standards shall submit to the superintendent a report containing the information described in Section 13.78.080(A)(4)(d) through (f). Where equivalent mass or concentration limits are established by the POTW for a user, this report shall contain a reasonable measure of the user's long-term production rate. Where a user is subject to categorical pretreatment standards expressed in terms of allowable pollutant discharge per unit of production, the report shall include the user's actual production during the appropriate sampling period. The report shall state whether the applicable pretreatment standards are being met on a consistent basis and, if not, what additional operation and maintenance or pretreatment is necessary to bring the user into compliance with the applicable pretreatment standards. This statement shall be signed by an authorized representative of an industrial user, and certified to by a qualified waste treatment professional.
3. Periodic Compliance Report.
- a. Any user subject to a categorical pretreatment standard, after the compliance date for the pretreatment standard, or in the case of a new source, after commencement of the discharge into the POTW, shall submit to the POTW during the months of June and December, unless required more frequently in the pretreatment standard or by the POTW, a report indicating the nature and concentration of pollutants in the effluent which are limited by pretreatment standards. In addition, this report shall include a record of all daily flows which during the reporting period exceeded the average daily flow reported in compliance with Section 13.78.080(C)(2). At the discretion of the POTW and in consideration of such factors as local high or low flow rates, holidays, budget cycles, and the like, the POTW may agree to change the months when the above reports are to be submitted.

- e. The reports required by this section shall include the certification statement as set forth in 40 C.F.R. Section 403.6(a)(2)(ii), and shall be signed by an authorized representative.
6. **Report Requirements for Non-significant Industrial Users.** All users not required to obtain a wastewater discharge permit shall provide appropriate reports to the superintendent as the superintendent may require. Such reports may include those set forth in this section as well as the industrial waste survey and business information form.

(Ord. No. 1539, § 8, 11-5-2008)

13.78.090 Fees.

1. In establishing and changing industrial or business use fees for the POTW, the city council may consider all applicable factors, including but not limited to the following:
 - a. Reimbursement of costs of setting up and operating the POTW pretreatment program, and including the cost of plant investment, supplies, equipment and personnel;
 - b. Monitoring, inspection and surveillance procedures including the cost of reviewing monitoring reports submitted by industrial users.
2. In addition to fees of general application, the POTW may charge user-specific fees based upon the actual cost for personnel, supplies and equipment, for the following:
 - a. Reviewing accidental discharge procedures and construction;
 - b. Permit applications, to include the cost of processing permit applications;
 - c. For filing appeals;
 - d. For sewer maintenance as a result of improper maintenance of pretreatment equipment.
3. Such other fees as the city council may determine to be necessary or convenient from time to time to carry out the requirements contained in this chapter. These fees shall relate solely to the matters covered by this chapter and are separate from all other fees chargeable by the POTW.
4. The city council may establish and change fees under this section by separate ordinance.

(Ord. No. 1539, § 9, 11-5-2008)

13.78.100. Sewer use charges.

1. The city will assess a surcharge rate for all nonresidential users discharging wastes with BOD and TSS strengths greater than those specified in Section 13.48.006 of the Laramie Municipal Code for normal strength wastes of residential users. The surcharge will be sufficient to cover the costs of treating such users' above normal strength waste. Such users will pay an additional service charge of 0.026 dollars per one thousand gallons for each twenty-five milligrams per liter over two hundred milligrams per liter of BOD and 0.00 dollars per one thousand gallons for each twenty-five milligrams per liter over two hundred fifty milligrams per liter TSS.

The sewage flow or discharge volume shall be the quarterly water usage measured by water meter readings. If a nonresidential user has substantial water usage during the summer months for lawn watering, the volume of flow will be determined in the manner identified for nonresidential users pursuant to Section 13.48.019 of the Laramie Municipal Code.

2. **Monitoring.** All significant industrial users shall, at their own expense, monitor their discharge to determine their industrial classification rates.
3. **Exemption from Monitoring.** All industrial users other than significant industrial users shall be exempt from self-monitoring for the purpose of this subsection. Any industrial user choosing to monitor its discharge may do so at its own expense.

4. Sewage Volume Measurement.
 - a. Any commercial, institutional or industrial user may measure the actual sewage flow in lieu of basing the sewer use charge on metered water use. In such cases, the conditions set forth in Section 13.78.100(D)(2) and (3) apply.
 - b. Any commercial, institutional or industrial user receiving non-metered water shall either install water meters for all non-metered sources or provide sewage flow measurement in accordance with the conditions set forth in this chapter.
 - c. All meters for non-metered water sources and sewage flow measurement devices shall be installed in accordance with plans and specifications approved by the superintendent. All costs of design and installation shall be borne by the user. The user shall guarantee in writing that the POTW shall have access to the meter or meters for meter readings whenever in the POTW's opinion the meter(s) should be read.
5. Review of Wastewater Service Charges.
 - a. The POTW shall review the total annual cost of operation and maintenance of the wastewater treatment system, and each user's percentage of wastewater contribution, at least once per year. The superintendent shall recommend to the city manager any revisions to the service charge system which are needed to assure that the system is equitable and that sufficient funds are obtained to administer this chapter and to operate and maintain the wastewater treatment works.
 - b. If a significant industrial user has completed in-plant modifications which the user believes will change the user's wastewater contribution percentage, the user may provide the superintendent with the facts which the superintendent determines to be relevant to a decision about modification of the user's wastewater service charges. If the facts provided by the user demonstrate to the superintendent's satisfaction that the BOD and TSS loading from the user's plant have been reduced to a lesser classification as a result of in-plant changes, then the superintendent is empowered to reclassify the user for the purpose of wastewater service charges beginning with the billing period following the billing period in which the decision is reached.
6. Each user shall be notified annually of the sewer use charge rate and the portion of the user's charges which are attributable to wastewater treatment services. The notice may be included upon one or more utility bills sent by the city, or may be a separate notice, in the superintendent's discretion.
7. Failure of the city or any of its employees or departments to comply with Section 13.78.100(E) and (F) shall not invalidate sewer use charges or rates.

(Ord. No. 1539, § 10, 11-5-2008)

13.78.110 User fees.

The city council finds that it is necessary for the protection of the public health, safety, and welfare, and necessary for the effectiveness of the POTW, for the city to collect user fees from all users who contribute wastewater to the city's treatment works. The proceeds of those charges shall be used for the construction, operation, maintenance, replacement, and other related costs of the wastewater treatment systems as determined by the POTW.

1. Payment. Each user shall pay a user charge for the services provided by the POTW based on its use of the treatment works as determined under the ordinance codified in this chapter and any other applicable ordinance. This subsection does not affect other sewage fees charged by the city or the POTW.
2. Residential, Industrial and Commercial Contributors.
 - a. User charges for residential contributors shall be based on the user's average water consumption as determined by water meter readings, as provided elsewhere in this code.

- b. User charges for industrial and commercial contributors shall be based on water used each billing period. If an industrial or commercial contributor uses water which is not returned to the wastewater collection system, the user charge for that contributor may be based on a wastewater measuring device or a separate water meter or meters installed and maintained at the contributor's expense, or any other method acceptable to the city.
3. Charges Adopted.
 - a. User charges shall be established by a current schedule of charges adopted by the city council in another ordinance. The schedule of charges may be amended by the city council from time to time.
 - b. For those users contributing wastewater which does not meet the definition of normal domestic wastewater, a surcharge shall be collected according to the formula of surcharges in Section 13.78.100(A). The formula of surcharges may be amended by the city council from time to time.
4. Toxic Pollutants. Any user discharging any toxic pollutants which cause an increase in the cost of managing (including disposal) the effluent or biosolids from the treatment works, or any user discharging any substance which singly or by interaction with other substances causes increases in the costs of operation and maintenance of the treatment works, shall pay all of such increased costs. The strength and characteristics of effluents may be determined by the city, or by agreement between the user and the city, based upon data. Such users shall be assessed a surcharge according to the formula of surcharges or schedule of surcharges adopted by the city council as amended from time to time.
5. All Users. User charge rates shall apply to all contributors to the treatment works, regardless of the origin of the discharge.
6. Review. The superintendent shall review the schedule of user fees and surcharges annually and suggest revisions to the city manager as necessary to ensure adequate revenues to pay the costs of operation and maintenance of the treatment works, and to ensure proportional distribution of operation and maintenance costs between all users.
7. Notification. The superintendent shall notify each user annually of the rate being charged for operation and maintenance.
8. Replacement Account. The city shall establish and maintain a replacement account throughout the useful life of the treatment works. There shall be deposited into this account two thousand dollars per month. Funds from this account may be used for replacement or repairs necessary or convenient to assure that the treatment works reaches its useful life.

(Ord. No. 1539, § 11, 11-5-2008)

13.78.120. Enforcement.

1. Administrative Enforcement Remedies. Upon reasonable suspicion that an industrial user has violated or is violating this chapter or a wastewater permit or order issued hereunder, if there is no imminent or substantial endangerment to the health or welfare of any person, the POTW, or the environment, before using any of the enforcement procedures below, the superintendent shall attempt to notify the industrial user by telephone. If the industrial user requests the superintendent to explain the industrial user's permit or the section of this chapter or the order said to have been violated, the superintendent shall confer with the industrial user. If the superintendent is unable to contact the industrial user by telephone, or if the industrial user does not request a conference, OR if at the conclusion of the conference the superintendent concludes that the problem is not resolved, or if in the superintendent's judgment there is an imminent or substantial endangerment to the health or welfare of any person, the POTW, or the environment, the superintendent may pursue any of the enforcement remedies below. Reasonable suspicion may be based upon sampling results, solvent odors coming from manholes or cleanouts, solvent odors at the POTW

headworks, oil slicks in the POTW, or any other indication that an industrial user may not be in compliance with this chapter.

2. **Notice of Violation.** When the superintendent finds that any industrial user has violated or is violating this chapter, or a wastewater permit or order issued hereunder, the superintendent shall serve upon that user written notice of the violation. Within ten days of receipt of notice, the user shall submit an explanation of the violation and a plan for the satisfactory correction thereof, to include specific required actions. Submission of the plan in no way relieves the user of liability for any violations occurring before or after receipt of the notice of violation.
3. **Consent Orders.** The superintendent is hereby authorized to enter into consent orders, assurance of voluntary compliance, and other similar documents establishing an agreement with the industrial user responsible for noncompliance. Consent orders shall include compliance schedules, stipulated fines, remedial actions, and signatures of the superintendent and authorized user representative.
4. **Show Cause Order.** The superintendent may order any user which causes or contributes to violation of this chapter to show cause why a proposed enforcement action should not be taken. The superintendent shall serve notice upon the user specifying the time and place for the hearing, the proposed enforcement action and the reasons for such action. Notice of the hearing shall be served by certified mail, return receipt requested, addressed to the user, and mailed at least ten days before the date set for the hearing.
5. **Compliance Order.** When the superintendent finds that an industrial user has violated or continues to violate this chapter or any permit or order issued hereunder, he may issue an order to the user responsible for the discharge directing that, following a specified time period, the user's sewer service shall be discontinued unless adequate treatment facilities, devices, or other related appurtenances have been installed and are properly operating, and compliance is achieved. Orders may contain such other requirements as in the superintendent's judgment are reasonably necessary and appropriate to address the noncompliance.
6. **Cease and Desist Orders.** When the superintendent finds that an industrial user has violated or continues to violate this chapter or any permit or order issued hereunder, the superintendent may issue an order to cease and desist all violations immediately. The following apply to cease and desist orders:
 - a. In an emergency, as determined in the superintendent's discretion, the order to cease and desist may be given by telephone.
 - b. In nonemergency situations, the cease and desist order may suspend or permanently revoke industrial wastewater discharge permits.
 - c. The cease and desist order may require the industrial user to take such appropriate or preventive action as may in the superintendent's discretion, be necessary to address a continuing or threatened violation, including halting operations and terminating the discharge.
7. **Administrative Fines.** Notwithstanding any other section of this chapter, any user found to have violated any provisions of this chapter, or any permit or order issued hereunder, shall be fined in an amount not to exceed one thousand dollars per violation, in the discretion of the superintendent. Each day on which noncompliance occurs or continues shall be deemed a separate and distinct violation. Administrative fines may be added to the user's next scheduled sewer service charges. Users who desire to dispute administrative fines must file a request for the superintendent to reconsider a fine within ten days of being notified of the fine. Where the superintendent believes a request has merit, he shall convene a hearing on the matter within fifteen days of receiving the request.
8. **Collection of Charges and Fines.** The city shall have all collection remedies available to collect the fines as are available to collect charges for utility services, and any other remedy provided by law. Unpaid charges, fines, and penalties shall constitute a lien against the user's property.

9. Emergency Suspensions.
 - a. The superintendent may suspend the wastewater treatment service, the wastewater permit, or both, of an industrial user whenever necessary in his opinion to stop an actual or threatened discharge presenting or causing an imminent or substantial endangerment to the health or welfare of any person, the POTW, or the environment.
 - b. Any user notified of a suspension of wastewater treatment, wastewater permit, or both, shall immediately stop or eliminate its discharge. Should a user fail to comply voluntarily and immediately with the suspension order, the superintendent shall take such steps as are necessary, in his opinion, including but not limited to, immediate severance or stoppage of the user's sewer connection, to prevent or minimize damage to the POTW, its receiving stream, hazard to human health; or endangerment to life or the environment. The superintendent shall allow the user to recommence its discharge when the endangerment passes, unless permit termination proceedings are initiated against the user.
 - c. Any industrial user responsible, in whole or in part, for imminent endangerment shall submit a detailed written statement describing the causes of the harmful contribution and the measures taken to prevent any future occurrence. The statement shall be submitted to the superintendent not more than five days after the endangerment incident.
10. Termination of Permit. Significant industrial users who violate the following conditions of this chapter, a wastewater discharge permit or order, or any applicable state or federal law, are subject to permit termination. Conditions which can lead to permit termination are:
 - a. Violation of any permit condition;
 - b. Failure to report accurately the wastewater constituents and characteristics of its discharge;
 - c. Failure to report significant changes in operations or wastewater constituents and characteristics; or
 - d. Refusal of access to the user's premises for the purpose of inspection, monitoring, or sampling.
 - e. A noncompliant user will be notified of the proposed termination of its wastewater permit by a show cause order and shall have an opportunity for a hearing to determine why the proposed action should not be taken.
11. Sewer Service Suspension if User Refuses Access or Information.
 - a. Each user and each contributor mentioned in Section 13.78.050(N) shall allow the superintendent to have access upon request to the user's premises and to take such samples as the superintendent determines are necessary so that the superintendent may determine whether or not the user has a discharge which may be regulated under this chapter.
 - b. Each user shall supply the superintendent with such information as the superintendent shall require concerning the user's discharges, processes, raw materials, and waste treatment, so that the superintendent may determine whether or not the user has a discharge which may be regulated under this chapter.
 - c. If any user refuses or fails to allow the superintendent to have adequate access, samples, or information under Section 13.78.120(A)(10)a and b., the superintendent may prevent the user from discharging into the city's wastewater collection system and the POTW until the user complies. The superintendent may suspend sewer service to the user by any means available to prevent the user from discharging into the city's wastewater treatment system or the POTW. This remedy is in addition to any other remedy available under this chapter.
 - d. Recurring Violations. The superintendent will impose or seek to impose increasingly severe sanctions for recurring violations. This section is not intended to require the POTW or the superintendent to seek a lesser sanction for a violation which is serious enough to justify the sanction sought.

12. Procedure for Suspending or Revoking Permits or Suspending or Terminating Sewer Service.
 - a. The superintendent may suspend or revoke a user's permit, or suspend or terminate sewer service to a user, when the user violates federal or state laws or regulations relating to wastewater discharge, any provision of this chapter, or any permit or order issued under this chapter. Suspensions or revocations of permits, and suspensions or terminations of sewer service, shall be made according to the following procedure:
 - (i) The user shall be notified by the superintendent by certified mail at least seven days before suspending or revoking a permit or suspending or terminating sewer service. The notice shall set forth with particularity the reasons such action is contemplated. The time requirement in this subsection does not apply if the superintendent finds that there is an emergency due in whole or in part to the user's discharge.
 - (ii) Upon receipt of notice, the user may request a hearing before the superintendent. The request for a hearing shall be in writing and must be received by the superintendent within seven days of receipt of the notice. Failure to make a timely request for a hearing is the equivalent of a waiver of the right to a hearing.
 - (iii) If the user requests a hearing, the superintendent shall set a hearing date, time, and location. The superintendent shall notify the user in writing by certified mail of the time, date and location of the hearing. The superintendent may preside at the hearing or may appoint a hearing officer to hear and decide the case.
 - (iv) Hearings shall be conducted in accordance with the Wyoming Administrative Procedure Act.
 - b. If the superintendent has reason to believe that by reason of an actual or threatened discharge a user is threatening the health, safety, and welfare of the public, environment, city employees, or the operation of the POTW, the superintendent may immediately and without notice enter an order suspending or revoking a permit, or suspending or terminating sewer service. Notice of this order shall be served upon the user, stating with particularity the grounds relied upon for the action taken. The user may, within two days of receipt of notice, request in writing a hearing before the superintendent. If no timely request for a hearing is delivered to the superintendent, the right to a hearing on an order issued under this subsection is waived. Such a hearing will be held within two business days of receipt of the request for hearing. The user may waive the two-day hearing requirement upon request. A request for a hearing does not stay operation of the order.
13. Judicial Enforcement Remedies. If any person discharges sewage, industrial, or other wastes into the POTW in violation of this ordinance or any order or permit issued hereunder, the superintendent, through the city attorney, may commence an action for appropriate legal or equitable relief, or both, in any court of competent jurisdiction.
14. Injunctive Relief. Whenever an industrial user has violated or continues to violate the provisions of this chapter or permit or order issued hereunder, the superintendent may, in addition to remedies available under this chapter, seek injunctive relief for noncompliance by Industrial Users with Pretreatment Standards and Requirements
15. Civil Penalties.
 - a. Any industrial user who has violated or continues to violate this chapter or any order or permit issued hereunder shall be liable to the city for a civil penalty of not more than one thousand dollars per violation per day for as long as the violation continues, plus actual damages incurred by the POTW. In addition to the penalty and damages, the city may recover reasonable attorney's fees, court costs, and other expenses associated with enforcement, including but not limited to, sampling, monitoring, laboratory charges, and expert witness fees.
 - b. The superintendent shall petition the court to impose and assess penalties and damages. In determining the amount of the civil penalty, 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, any economic benefit gained by an industrial user through the violation, corrective actions by the industrial user, the compliance history of the user, and such other factors as justice requires.

- c. To the extent allowed or required by Wyoming or federal law, or both, the Laramie municipal court is authorized and empowered to hear and determine the civil penalty aspect of any case brought in that court by the superintendent.
- d. The superintendent, in his discretion, may determine which court or courts to bring any action in, and may seek civil penalties in one court and damages in another.

16. Criminal prosecution.

- a. **Violations Generally.** Any industrial user who willfully or negligently violates any provision of this chapter or any order or permit issued hereunder is guilty of a misdemeanor, and upon conviction shall be punished by a fine not to exceed seven hundred fifty dollars or imprisonment not exceeding six months, or both.
- b. **Falsifying Information.** Any industrial user who knowingly makes any false statements, representations, or certifications in any application, record, report, plan or other document filed or required to be maintained pursuant to this chapter or any permit issued under this chapter, or who falsifies, tampers with, or knowingly makes inaccurate any monitoring device or method required under this chapter or any permit, shall, upon conviction, be punished by a fine not exceeding seven hundred fifty dollars or imprisonment not exceeding six months, or both.
- c. **Persons Liable.** If the industrial user is a corporation, any director, any officer, and any employee or agent with managerial authority is punishable as a principal. If the industrial user is a partnership, any general partner and any employee or agent with managerial authority is punishable as a principal. If the industrial user is a limited liability company, any owner of units in the company and any employee or agent with managerial authority is punishable as a principal.

17. **Annual Publication.** The superintendent shall publish, at least annually, in a newspaper lawful for legal advertisements, a description of those industrial users which are found to be in significant noncompliance with any provisions of this chapter or any permit or order issued hereunder during the period since the previous publication.

(Ord. No. 1539, § 12, 11-5-2008)

13.78.130. Effective date.

This ordinance is effective immediately upon publication.

PASSED AND APPROVED this 18th day of August, 2015.



David Paulekas
Mayor and President
Laramie City Council, Laramie, Wyoming

ATTEST:



Sue Morris-Jones, MMC
City Clerk

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