

## Article 7-4

### PLUMBING AND SEWER CODE

#### Sections:

- 7-401 Plumbing and Sewer Inspector.**
- 7-402 Plumber Shall file Description of Work.**
- 7-403 Regulation of Use of Public and Private Sewers and Drains...**
- 7-404 Opening or Uncovering Sewers, Laying Sewers Except in Strict Compliance With Permit Prohibited and Permit Kept on Ground. Repealed (Ord. No. 13-16, 10-1-13)**
- 7-405 Application for Construction of Sewerage Systems, Dedication of Sewerage Systems to Public Use, Pro-rata Reimbursement for Developers, Permits for Construction, Defining Sewerage System.**
- 7-406 Definitions of Private Sewers.**
- 7-406.1 Fees for Property Owners to Connect with Sanitary Sewer System.**
- 7-407 Monthly User Fees For Wastewater Treatment Facility.**
- 7-407.1-01. Purpose**
- 7-408 Eighteen Hours' Notice Before Making Connection, Inspection and Right of Entrance to City Employees.**
- 7-409 Manhole Covers.**
- 7-410 Penalty for Violation.**
- 7-411 Unlawful to Connect Steam Exhaust Pipe With Sewer Condenser. Repealed (Ord. No. 89-19, 9-5-89)**
- 7-412 Injuring Sewer Prohibited. Repealed (Ord. No. 89-19, 9-5-89)**
- 7-414 Discharge of Surface Water Prohibited. Repealed (Ord. No. 89-19, 9-5-89)**
- 7-415 Grease Traps. Repealed (Ord. No. 89-19, 9-5-89)**
- 7-416 Connection to Public Sewer Required. Repealed (Ord. No. 89-19, 9-5-89)**
- 7-418 Adoption of Uniform Plumbing Code, 1970 Edition. Repealed (Ord. No. 89-19, 9-5-89)**
- 7-419 Payment of Claims Against the City of Rock Springs for Damages Caused by Sewer Blockages and/or Backups.**
- 7-420 Pretreatment**

**7-401 Plumbing and Sewer Inspector.**

There is hereby created the office of Plumbing and Sewer Inspector for the City of Rock Springs. This shall also mean a duly authorized representative of the City of Rock Springs. (Ord. No. 246, Sec. 1, 12-23-25; 36-1, Rev. Ord. 1938; Rev. Ord. 1963; Ord. No. 89-19, 9-15-89; Rev. Ord. 2013-16, 10-1-13).

**7-402 Plumber Shall file Description of Work.**

Every plumber, before doing any plumbing work in any building, except in cases of repair (and repairs are to consist of leaks in waste or supply pipes), shall file with the City Plumbing and Sewer Inspector, upon proper blanks to be provided, a full description of the work to be done, and shall do no such work without a proper permit from the City Plumbing and Sewer Inspector, authorizing the same; provided, that in buildings which are condemned by the City Council because of unsanitary condition, no plumbing shall be considered as coming under the head of repairs, but all plumbing shall be done as in

the case of new buildings. Where special fixtures or traps are required that do not conform to the requirements of this Ordinance, a special permit may be issued by the Plumbing and Sewer Inspector for such jobs, if in his judgment the conditions demand the use of such fixtures or traps. (Ord. No. 36-2, Rev. Ord. 1938; Rev. Ord. 1963).

**7-403 Regulation of Use of Public and Private Sewers and Drains...**

Regulation of Use of Public and Private Sewers and Drains Private Wastewater Disposal, the Installation and Connection of Building Sewers.

Section 1. Purpose and Objective.

1-01. This ordinance sets forth uniform requirements for direct and indirect contributors into the wastewater collection and treatment systems for the City of Rock Springs and enables the City to comply with all applicable State and Federal laws required by the Clean Water Act of 1977 and Federal laws required by the Clean Water Act of 1977, and the General Pretreatment Regulations (40 CFR, Part 403).

1-02. The objectives of this ordinance are:

- a. To prevent the introduction of pollutants into the municipal wastewater system which will interfere with the operation of the system or contaminate the resulting sludge;
- b. To prevent the introduction of pollutants into the municipal wastewater system which will pass through the system, inadequately treated, and into receiving water or the atmosphere or otherwise be incompatible with the system;
- c. To improve the opportunity to recycle and reclaim wastewater and sludges from the system; and
- d. To provide for the equitable distribution of the cost of the municipal wastewater system.
- e. To comply with all sections of Article 7-4 Section 7-420 of this Ordinance.

1-03. This ordinance provides for the regulation of direct and indirect contributors to the municipal wastewater system through the issuance of permits to certain users who may potentially cause pass through and/or interference, through enforcement of general requirements providing for the setting of fees for the equitable distribution of costs resulting from the program established herein.

1-04. This ordinance shall apply to the City of Rock Springs and to persons outside the City who are, by contract or agreement with the City, users of the City Publicly Owned Treatment Works.

Section 2. Definitions.

2-01. Unless the context specifically indicates otherwise, the following terms and phrases, as used in this ordinance, shall have the meanings hereafter designated:

2-02. Building Sewer. A sewer conveying wastewater from the premises of a User to the Publicly Owned Treatment Works.

2-03. City. The City of Rock Springs or the Governing Body for legislative purposes or

the Mayor or his or her designated representative for administrative purposes.

- 2-04. Control Authority. The City of Rock Springs.
- 2-05. Holding Tank Waste. Any waste from holding tanks such as vessels, chemical toilets, campers, trailers, septic tanks, and vacuum-pump tank trucks or hauled wastes.
- 2-06. National Pollution Discharge Elimination System or NPDES Permit. A permit issued pursuant to Section 402 of the Act (33 U.S.C. 1342).
- 2-07. Person, Any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity or any other legal entity, or their legal representatives, agents or assigns, The masculine gender shall include the feminine, the singular shall include the plural where indicated by the context.
- 2-08. Pollutant. Dredged spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, sewage sludge, munitions, medical waste, chemical wastes, biological materials, radioactive materials, hear, wrecked or discarded equipment, rock, sand, cellar dirt, municipal, agricultural and industrial wastes, and certain characteristics of wastewater (e.g., pH, temperature, TSS, Turbidity, color, BOD, COD, toxicity, or odor).
- 2-09. Publicly Owned Treatment Works (POTW). A treatment works as defined by Section 212 of the Act, which is owned by the City of Rock Springs. This definition includes any devices and systems used in the collection, storage, treatment, recycling and reclamation of municipal sewage or industrial wastes of a liquid nature. It also includes sewers, pipes and other conveyances only if they convey wastewater to the POTW treatment plant. The term also means the municipality as defined in Section 502(4) of the Act, which has jurisdiction over the Indirect Discharges to and the discharges from such a treatment works.
- 2-10. POTW Treatment Plant. That portion of the POTW designed to provide treatment to wastewater.
- 2-11. State. State of Wyoming.
- 2-12. Storm Water. Any flow occurring during or following any form of natural precipitation.
- 2-13. User. Any person who contributes causes or permits the contribution of wastewater into the City's POTW.
- 2-14. Wastewater. The liquid and water-carried industrial or domestic wastes from dwellings, commercial buildings, industrial facilities, and institutions, together which may be present, whether treated or untreated, which is contributed into or permitted to enter the POTW.
- 2-15. "pH" means the logarithm of the reciprocal of the hydrogen ion concentration. The concentration is the weight of hydrogen ions, in grams, per liter of solution.

Neutral water, for example, has a Ph value of 7 (7) and a hydrogen ion concentration of ten (10) to the power of minus seven (7).

- 2-16. Building drain means that part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste, and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning (5) five feet, (1.5) one point five meters outside the inner face of the building wall.

### Section 3. General Discharge Regulations.

- 3-01. Depositing Excrement Prohibited. It shall be unlawful for any person to place, deposit, or permit to be deposited in any unsanitary manner on public or private property within the City of Rock Springs, or in any area under the jurisdiction of said City, any human or animal excrement, garbage, or other objectionable waste.
- 3-02. Discharging Waste Water into Storm Water Collection System Prohibited. It shall be unlawful to discharge to any storm water collection system within the City of Rock Springs, or in any area under the jurisdiction of said City, any sewage or other polluted waters except where suitable treatment has been provided in accordance with subsequent provisions of this ordinance.
- 3-03. Septic Tanks, Leach Fields, and Cesspools Prohibited. Except as hereafter provided, it shall be unlawful to construct or maintain an privy, privy vault, septic tank, leach field, cesspool or other facility intended or used for the disposal of waste water within the City of Rock Springs.
- 3-04. It shall be unlawful to discharge any water with a pH value less than 5.0
- 3-05. Discharging Storm Water and Ground Waters into Sanitary Sewers Prohibited. It shall be unlawful for any person(s) to discharge any unpolluted waters such as storm water, surface water, ground water, roof runoff, subsurface drainage, uncontaminated cooling water, or unpolluted industrial process waters into any sanitary sewer.
- 3-06. Private Waste Water Disposal Connections. Where a public sanitary sewer is not available under the provisions of this article, the building sewer shall be connected to a private waste water disposal system complying with the provisions of this article.
- 3-07. Building Permit Requirements. Before commencement of construction of a private waste water disposal system the owner(s) shall first obtain a written permit signed by the Building Inspector. The application for such permit shall be made on a form furnished by the City. The permit shall be supplemented with the following data as a minimum:
- a. Plans and specifications prepared by a registered Professional-Engineer licensed to practice in the State of Wyoming. The plans and specifications shall contain the name and address of the Engineer and shall have his seal affixed thereto.
  - b. Written approval of the proposed system from the Wyoming Department of Environmental Quality.

c. A permit and an inspection fee shall be paid to the City at the time the application is filed.

- 3-08. Private Waste Water System Area Requirements. No permit shall be issued for any private waste water disposal system employing subsurface soil absorption facilities where the area of the lot is less than 40,000 square feet. No septic tank or cesspool shall be permitted to discharge to any natural outlet.
- 3-09. Connection to Public Sewers. At such time as a public sewer becomes available to a property served by a private waste water disposal system, when the sewer line is within 200 feet of said property, a direct connection shall be made to the public sewer within sixty (60) days in compliance with this ordinance, and any septic tanks, cesspools, leach-fields, and similar private waste water disposal facilities shall be abandoned according to Wyoming Department of Environmental Quality.
- 3-10. Connection Prohibited. It shall be unlawful for any person(s) to make connections of roof downspouts, area way drains, RV holding tank drains, or other sources of surface runoff or groundwater to a building sewer or building drain which in turn is connected directly or indirectly to a public sewer.

(Ord. 2013-16, 10/1/13; Ord. 2014-12, 1/20/15; Ord. 2019-07, 4/2/19)

#### Section 4. Inspection and Sampling.

- 4-01. The City shall inspect the facilities of any User, domestic or commercial, to ascertain whether the purpose of this Ordinance is being met and all requirements are being complied with.
- 4-02. Persons or occupants of premises where wastewater is created or discharged shall allow the City or their representative ready access at all reasonable times to all parts of the premises for the purpose of inspection, sampling, copy monitoring records or in the performance of any of their duties.
- 5.01. If another municipality or User located within another municipality contributes wastewater to the POTW, the City of Rock Springs shall enter into an inter-municipal agreement with the contributing municipality.
- 5.02. Prior to entering into an agreement required by paragraph 5-01, above, the Control Authority shall request the following information from the contributing municipality:
1. A description of the quality and volume of wastewater discharged to the POTW by the contributing municipality;
  2. An inventory of all Users located within the contributing municipality that are discharging to the POTW; and
  3. Such other information as the Control Authority may deem necessary.
- 5-03. An inter-municipal agreement, as required by paragraph 5-01, above, shall contain the following conditions:
1. A requirement for the contributing municipality to adopt a sewer use ordinance which is at least as stringent as the ordinance and Local Limits,

including required Baseline Monitoring Reports (BMRs) which are at least as stringent as those set out in Article 7-420 Section 2.3 of this ordinance. The requirement shall specify that such ordinance and limits must be revised as necessary to reflect changes made to the City of Rock Springs's ordinance or Local Limits;

2. A requirement for the contributing municipality to submit a revised User inventory on at least an annual basis;
3. A provision specifying which pretreatment implementation activities, including individual or general wastewater discharge permit issuance, inspection and sampling, and enforcement, will be conducted by the contributing municipality; which of these activities will be conducted by the Control Authority; and which of these activities will be conducted jointly by the contributing municipality and the Control Authority;
4. A requirement for the contributing municipality to provide the Control Authority with access to all information that the contributing municipality obtains as part of its pretreatment activities;
5. Limits on the nature, quality, and volume of the contributing municipality's wastewater at the point where it discharges to the POTW;
6. Requirements for monitoring the contributing municipality's discharge;
7. A provision ensuring the Control Authority access to the facilities of Users located within the contributing municipality's jurisdictional boundaries for the purpose of inspection, sampling, and any other duties deemed necessary by the Control Authority; and
8. A provision specifying remedies available for breach of the terms of the inter-municipal agreement.

Section 6. Opening or Uncovering Sewers, Laying Sewers Except in Strict Compliance with Permit Prohibited, and Permit Kept on Ground.

- 6-01. It shall be unlawful for any person or persons to open or uncover any public, district or private sewer, or lay or cause to be laid in any public street, alley or highway any sewer or other connection with any public, district or private sewer located therein, except in strict pursuance of a permit from the City Inspector, which permit must be kept on the ground during the whole time that the work is in progress and exhibited to any policeman or other person who may ask to see it.

Section 7. Installation of Sumps and/or, Traps/Interceptors in private or Domestic Garage's.

- 7-01. It shall be unlawful for any private resident to install a sump, trap, drain or an interceptor in a private garage or vehicle parking area as of the signing date of this ordinance. Past installations shall be required to abide by the requirements previous to this date.

Section 8. Storage of materials which may enter storm or sewer systems operated by the City.

- 8-01. No business shall store materials in quantities of concern without containment suitable to contain a minimum of 100 percent, or as deemed necessary by the City of Rock Springs, of the material stored, if such stored materials may enter the sewage or storm water collection systems.

(Ord. 2013-16, 10-1-13)

**7-404 Opening or Uncovering Sewers, Laying Sewers Except in Strict Compliance With Permit Prohibited, and Permit Kept on Ground.**

Repealed (Ord. 2013-16)

**7-405 Application for Construction of Sewerage Systems, Dedication of Sewerage Systems to Public Use, Pro-rata Reimbursement for Developers, Permits for Construction, Defining Sewerage System.**

- A. All sewerage systems constructed within the corporate limits of the City of Rock Springs shall be dedicated to public use, and no permit for construction of a sewerage system or any part thereof shall be issued until such dedication to public use, as determined by the City of Rock Springs, by the person or persons responsible therefore, has been executed and delivered to the City Clerk and accepted by the City Council.
- B. All applications for permits for the construction of sewerage systems, both public and private, must be made in writing and signed by the owner or owners of the property to be drained, or an authorized agent, and must be accompanied by a detailed plan showing the whole course of the sewerage system it is desired to construct.
- C. For the purposes of this ordinance, the term "sewerage system" means any or all of the following: A sewerage treatment plant, or plants; collecting, intercepting and outlet sewers, force mains, and conduits; pumping stations, ejector stations, and all other appurtenances or improvements necessary or useful and convenient for the collection, treatment and disposal, in a sanitary manner of sewage and industrial wastes. (Ord. No. 246, Sec. 3, 12-23-25; 36-5, Rev. Ord. 1938; Rev. Ord. 1963; Ord. No. 2155, 12-17-73; Ord. No. 89-19, 9-5-89; Ord. No. 91-3, 5-7-91; Rev. Ord. 2013-16, 10-1-13).

**7-406 Definitions of Private Sewers.**

Users shall be responsible for the installation and maintenance of all piping, plumbing and equipment on user's facilities beginning at the City Main Line including all costs associated therewith. The City shall not be liable for any loss or damage of any defect in User's service piping or in User's equipment. The City is not responsible for any repairs from the City Main line to facility including all City requirements and specifications. (Ord. 2013-16, 10-1-13)

**7-406.1 Fees for Property Owners to Connect with Sanitary Sewer System.**

- A. The owners of real property, situate within the city limits of Rock Springs, Wyoming, shall be assessed the following enumerated fees for connecting with the sanitary sewer system of said City, viz:

For each family residence	\$1,500.00
For each family residence With apartment	\$1,500.00 for each apartment Plus \$1,500.00 for the family Residence.
For each trailer on a private Lot	\$1,500.00
For each mobile trailer park	\$1,500.00 per trailer space

	And for expansion of said Mobile trailer park, \$1,500.00 for each additional space.
For each RV trailer park	\$750.00 per RV space.
For each hotel	\$1,100.00 per room and for Expansion of said hotel, \$1,100.00 per each additional room.
For each motel	\$1,100.00 per unit and for Expansion of said motel, \$1,100.00 per each additional unit.
For each apartment Building	\$1,500.00 per unit and for Expansion of said apartment building, \$1,500.00 for each additional room.
For each nursing home	\$1,500.00 per room and for Expansion of said old age Or retirement home, \$1,500.00 for each additional room.
For each lodging or Rooming house	\$1,500.00 per room and for Expansions of said lodging Or rooming house, \$1,500.00 for each additional room.
For each business establishment having private or public rest rooms	\$1,500.00 for each rest room and for each equivalent services unit.
For all other buildings Or facilities	\$1,500.00 per rest room or Service unit equivalent or as Determined by the Governing Body.

(Ord. No. 2007-01, 2/20/07).

- B. (1) The owners of real property situate outside the city limits of Rock Springs, Wyoming, who desire to connect with said City's sanitary sewer system and who are granted permission by the Mayor of said City to do so upon such terms and conditions as he deems reasonable and appropriate shall be assessed the following enumerated fees for connecting with the sanitary sewer system of said City:

For each family residence	\$2,000.00
For each family residence With apartment	\$2,000.00 for each apartment plus \$2,000.00 for the family residence.
For each trailer on a private Lot	\$2,000.00
For each mobile trailer park	\$2,000.00 per trailer space



	And for expansion of said Mobile trailer park, \$2,000.00 for each additional space.
For each RV trailer park	\$1,250.00 per RV trailer Space.
For each hotel	\$1,500.00 per room and for Expansion of said motel, \$1,500.00 for each additional room.
For each motel	\$1,500.00 per unit and for Expansion of said motel, \$1,500.00 per each additional unit.
For each apartment building	\$2,000.00 per unit and for Expansion of said apartment building, \$2,000.00 for each additional room.
For each nursing home	\$2,000.00 per room and for Expansion of said old age Or retirement home, \$2,000.00 for each additional room.
For each lodging or Rooming house	\$2,000.00 per room and for Expansion of said lodging Or rooming house, \$2,000.00 for each additional room.
For each business Establishment having private Or public rest rooms	\$2,000.00 for each rest Room and for each equivalent services unit.
For all other buildings or Facilities	\$2,000.00 per rest room or Service unit equivalent As determined by the City.

(Ord. No. 2007-01, 2/20/07).

- B. (2) Any political subdivision situate without the City limits of Rock Springs, Wyoming, whose governmental authority includes the power to construct, acquire, operate and maintain public sewage collection facilities, and who desires to connect with said City's sanitary sewer system for the purpose of treatment of the sewage effluent collected by any such political subdivision, and who is granted permission by the Mayor of said City to do so upon such terms and conditions as he deems reasonable and appropriate, shall, at the option of any such political subdivision, be assessed, in lieu of individual hook-up fees as set forth in Paragraph (b)(1) of this Section, a treatment capacity purchase fee, upon payment of which, any such political subdivision shall thereafter be authorized to discharge into said City's sanitary sewer system on a daily basis the maximum number of gallons of sewage effluent for which treatment capacity has been so purchased. The City of Rock Springs shall determine the average daily gallon discharge of sewage effluent from the service unit classifications in Paragraph (b)(1) of this Section, and the capacity purchase fee to be

paid to the City shall be calculated by dividing the maximum authorized daily gallon discharge of the political subdivision by such average daily gallon service unit discharge as determined by the City, and by then multiplying the number of such equivalent service units thus determined by the dollar amount of the service unit hook-up fee as set forth in Paragraph (b)(1) of this Section, all as reflected by the following two-step formula:

- (a) Maximum Authorized Daily Discharge in Gallons - Average Daily Discharge in Gallons of a Single Sewer Service Unit, as determined by the City = Equivalent Single Service Units (ESSU)
- (b)  $ESSU \times \text{City "Hook-Up" Fee for Single Service Unit} = \text{Capacity Purchase Fee.}$
- B. (3) Any hook-up fee or sewage treatment capacity purchase fee assessed against any political subdivision situate without the City limits of Rock Springs, Wyoming, and connecting to the sanitary sewer system of the City in accordance with subsections (b)(1) and (b)(2) herein shall be paid at such times and upon such terms and conditions as shall be determined by the governing body of the City of Rock Springs.
- C. Sewer hook-up permits shall be issued only for a building or facility actually in use and existence or soon to be completed and put to use. A sewer hook-up permit will, therefore, only be issued in conjunction with or following the issuance of a building permit.
- D. When the extent or nature of the use of a building or facility is changed or expanded, credit shall be given for the amount paid for the original permit; if the new use calls for a lower fee than originally paid or if the extent of the use decreases.
- E. Unused and outstanding sewer hook-up permits shall remain valid until used. If such permits were issued for use at a particular location or for a particular type of facility than they may only be so used.

Section 2. It being deemed by the City Council that an emergency exists and that more than three-fourths (3/4) of the Council having consented thereto, this Ordinance shall take effect without the same being read on three different days, and shall be in full force and effect from and after its legal passage and approval. (Ord. No. 82-34, 8-3-82; Ord. No. 84-20, 2-2-84; Ord. No. 85-25, 12-17-85; Ord. No. 86-07, 6-3-86; Ord. No. 87-12, 7-21-87; Ord. No. 89-19, 9-5-89).  
(97-09, Amended, 07/15/1997)

#### **7-407 Monthly User Fees For Wastewater Treatment Facility.**

##### Section 1. Purpose

The purpose of this Ordinance shall be to generate sufficient revenue to pay all costs of operating and maintaining the complete wastewater system. The costs shall be distributed to all users of the system in proportion to each user's contribution to the total loading of the treatment works. Factors such as volume, strength, and any other characteristic of the effluent introduced to the system may be considered and included as a basis for the determination of monthly user fees. Fees established hereunder shall be sufficient to defray all costs of operation as determined pursuant to Section 2 of this section, without the need for any subsidy

of wastewater treatment operations from the general fund of the City, or the fund of any other enterprise.

Section 2. Determining the Total Annual Cost of Operation and Maintenance.

The City of Rock Springs, or its authorized representative, shall determine the total annual costs of operation and maintenance of the wastewater system which are necessary to maintain the capacity and performance, during the life of the treatment works, for which such works were designed and constructed. The total annual cost of operation and maintenance determined hereby shall account for all factors specified in Sections 15-7-407 and 15-7-508, W.S. 1977, and shall include, but need not be limited to, labor, repairs, equipment replacement, maintenance, necessary modification, power, sampling, laboratory tests, depreciation of existing capital plant and rolling stock, service of bonded indebtedness, and a reasonable contingency fund. The governing body is further authorized to treat the accumulation of funds for future capital improvements, planned and unplanned, as an operating cost for the purposes of this subsection.

Section 3. Establishing User Fees.

3-01. User Fees to be Set by Resolution. User fees for users of the wastewater treatment system shall be determined from time to time by resolution by the Governing Body of the City of Rock Springs. Such fees shall recover the costs of operation and maintenance of the wastewater system, as determined under Section 2 of this section.

3-02. User Categories Authorized. In establishing fees for users of the wastewater treatment system, the governing body shall base such fees upon the gallons of water consumed by each user, except that the governing body may also establish minimum monthly fees representing the cost of making wastewater capacity and service available to a consumer, which minimum monthly fee shall apply regardless of whether the consumer has utilized wastewater services during that month. The governing body may further establish such user categories as the governing body shall deem necessary and proper for rate-setting purposes. Such categories may be based upon factors such as the relative strength of effluent generated by each user or user category, as measured by biochemical oxygen demand, total suspended solids, pH, or other appropriate indicator of strength. Other appropriate bases of categorization might include the usage of water which does not contribute to the volume or load of the wastewater treatment facility, the necessity for constructing, operating, or maintaining lifting or pumping capacity, and other factors bearing a reasonable relationship to the operation of the wastewater treatment facility.

3-03. Public Hearing to be Held. A public hearing before the governing body shall be held on any proposed changes in user fees and/or user categories prior to their adoption. Notice of said hearing shall be published at least once a week for two consecutive weeks in a local newspaper of general circulation.

3-04. Surcharge. The City may adopt monthly surcharge fees for each pound of BOD, COD, TSS and FO&G as it finds is essential to recover costs for treatment of concentrations above domestic sources. Rates shall be set according to treatment and handling costs. (Ord. 2013-16, 10-1-13)

#### Section 4. Application for Service.

Prior to connecting to the City wastewater system, each owner or user shall make application for service upon a form provided by the City for that purpose. If the owner or user is also connecting to City water, a combined application may be submitted. No connection may be made to the water system or wastewater system until proper application has been made and approved.

#### Section 5. Payment for Wastewater Services.

5-01. Billing. The City shall periodically submit a statement of charges and fees accrued or estimated to have been accrued for each property or user connected to the wastewater treatment system. This statement shall be submitted to the owner of the property, provided, however, that the owner may request in writing, upon a form provided by the City, that such statement be submitted to a tenant, lessee or other person so designated shall be the owner's agent for purposes of billing and notice under this article, and shall further provide for acknowledgment by the owner of his continuing responsibility for all charges or other obligations as shall be imposed by this article.

5-02 Owner Responsible. The owner of any property receiving wastewater treatment services from the City shall be responsible for all charges and fees accruing as a result thereof, and shall further be liable for all wastewater delivered to or taken from such property, which liability may be enforced by the City by action at law or equity to enforce payment or enjoin prohibited practices. Payment by the tenant in possession of any wastewater charges shall relieve the owner of the obligation to pay those same charges, but shall not relieve the owner of the obligation to pay such similar charges as may be delinquent from prior periods or as may accrue in the future. The City shall not be required to look to any person whatsoever other than the owner for the payment of wastewater charges. No change in ownership or occupation shall affect the application of this section.

5-03 Penalty for Nonpayment. All charges and fees for wastewater services are due and payable within twenty (20) days of submitting a statement therefore. If payment for such charge or fee, or any portion thereof, is not received within such twenty days, the City shall collect a penalty amounting to two percent (2%) per month upon the unpaid balance.

5-04. Termination of Service. If any owner shall connect to the wastewater system without receiving permission therefore pursuant to this article, fail to pay billed charges and fees within three (3) months of the date such payment was due, or violate the provisions of this article regarding pretreatment requirements, reporting requirements, or prohibited wastes, the City shall be empowered to terminate all sewer and water service to the affected premises. Any termination of service, whether initiated by the City or by the user, shall be in substantial accord with the procedures set forth in Chapter IV, Article 14, Section 1408 of the Ordinances of the City of Rock Springs, which section is by this reference adopted hereby as though set forth in full. Wherever appropriate, the word "water" appearing therein shall include the word "wastewater" for purposes of

this section. Where necessary to effect the termination of service, the City shall be authorized to install a curb stop and shut-off valve upon the service line and bill the actual cost of same to the owner.

5-05. Hearing. Whenever the City shall undertake to terminate wastewater service pursuant to sub-section -504 of this section, the owner shall be afforded the right to a hearing under the procedures set forth in Section 4-1409 of the Ordinances of the City of Rock Springs, which section is by this reference adopted hereby as though set forth in full. Whenever appropriate, the word "water" appearing therein shall include the word "wastewater" for purposes of this section.

#### Section 6. Guarantee Deposits.

6-01. Deposit Required. Upon any new connection or any change in ownership or the nature of use of an existing connection, the owner or user thereof shall make a cash deposit in an amount estimated to equal the user fee to be accrued at the premises over a three month period. However, deposits shall not be required of governmental users.

6-02. Disposition. Upon receipt of a guarantee deposit, the City will issue a non-transferable certificate of deposit to the owner or user, which certificate shall accrue interest at a rate to be determined from time to time by the Governing Body, but in no event shall the rate of interest on this deposit exceed the prime rate of interest at the time the deposit was made, until the deposit is returned or service is terminated. Upon establishing a payment history which is satisfactory to the City, the deposit and accrued interest may be returned to the owner or user upon surrender of the original certificate of deposit or upon executing a properly-endorsed cancellation receipt. In like manner, when wastewater service is discontinued, any guarantee deposit will be returned to the owner or user, with accrued interest, but less any sum which may be due to the City for unpaid wastewater fees and charges. If the owner or user shall fail to claim such deposit when service is discontinued, written notice shall be sent to the last known address and interest shall cease to accrue upon that date. (Ord. No. 93-07, 5-4-93).

6-03. Delinquent Payments. Any owner or user who fails to pay billed charges and fees within twenty days of billing is delinquent. If any owner or user is delinquent for three consecutive billings, the City may require such delinquent owner or user to post a guarantee deposit as provided in sub-section 6-01 of this section or may increase the amount of deposit previously collected. Failure to post the amount of guarantee deposit required hereunder shall be grounds for termination of service.

#### **7-408 Eighteen Hours' Notice Before Making Connection, Inspection and Right of Entrance to City Employees.**

Any person holding a permit to lay a private sewer must, before making connection of such private sewer with any public or district sewer, give at least eighteen (18) hours' notice, exclusive of Sundays and legal holidays, at the office of the Plumbing and Sewer Inspector, of the time when he will be ready to begin, and must not proceed with the

work of making such connection until the Inspector, detailed by the Plumbing and Sewer Inspector for that purpose, is on the ground. If prevented from working at the time set, the person holding the permit for the work must at once report the fact to the Plumbing and Sewer Inspector, or his duly authorized inspector, and appoint another time for doing the work. Any inspector, or without inspection of someone duly authorized by him, shall be treated as defective work, and may be uncovered, and, if need be, reconstructed by said Plumbing and Sewer Inspector at the expense of the person to whom the permit was granted for the work. The right of free entrance into and upon the property and premises drained into any public or private or district sewer, by any proper City employee or inspector, for the purpose of examining and inspecting the condition of any private sewer or sewers, shall always be afforded at any and all reasonable hours of the day. (Ord No. 246, Sec. 6, 12-23-25; 36-8, Rev. Ord. 1938; Rev. Ord. 1963; Ord. No. 89-19, 9-5-89).

**7-409 Manhole Covers.**

It shall be unlawful for any person to open any sewer manhole without permission from the Plumbing and Sewer Inspector. (Ord. No. 246, Sec. 13, 12-23-25; 36-13, Rev. Ord. 1938; Rev. Ord. 1963; Ord. No. 89-19, 9-5-89).

**7-410 Penalty for Violation.**

Any person violating any of the provisions of this article shall be guilty of a misdemeanor, and upon conviction thereof, may be fined in an amount not to exceed Seven Hundred Fifty Dollars (\$750.00), imprisoned for a period not to exceed six (6) months, or both, to which shall be added the costs. (Ord. No. 246, Sec. 16, 12-23-25; 36-17, Rev. Ord. 1938; Rev. Ord. 1963; ord. No. 89-19, 9-5-89).

**7-411 Unlawful to Connect Steam Exhaust Pipe With Sewer-Condenser.**

Repealed (Ord. No. 89-19, 9-5-89).

**7-412 Injuring Sewer Prohibited.**

Repealed (Ord. No. 89-19, 9-5-89).

**7-414 Discharge of Surface Water Prohibited.**

Repealed (Ord. No. 89-19, 9-5-89).

**7-415 Grease Traps.**

Repealed (Ord. No. 89-19, 9-5-89).

**7-416 Connection to Public Sewer Required.**

Repealed (Ord. No. 89-19, 9-5-89).

**7-418 Adoption of Uniform Plumbing Code, 1970 Edition.**

Repealed (Ord. No. 89-19, 9-5-89).

**7-419 Payment of Claims Against the City of Rock Springs for Damages Caused by Sewer Blockages and/or Backups.**

A. PURPOSE. The purpose of this section is to provide a procedure for determining whether claims made against the City of Rock Springs for damages caused by sewer blockages and/or backups should be paid by the City and, in the event that payment of such claims is appropriate, the appropriate payment amount.

- B. **CLAIMS PROCEDURE.** Any person, firm, association or corporation that owns property which receives sewer service from the City of Rock Springs may file a claim for payment of damages to such property which are alleged to have been caused by a blockage and or backup of the City sewer system. the City Clerk shall provide forms to be completed by the claimant. Such form shall contain all information necessary for the City Clerk to submit the claim to the City's liability insurance carrier.
- C. **PAYMENT OF CLAIMS.** All claims made pursuant to the provisions of the Claims Procedure shall be submitted to the City's liability insurance carrier. If the City's liability insurance carrier pays the claim, the City shall be released from any further obligations arising from the claim. If the City's liability insurance carrier denies coverage on the claim, the claimant may request that the claim be considered for payment by the Governing Body. The maximum payment on such a claim shall be \$500.00. If such a request is made, the claim shall be referred to the City Sewer Committee which shall;
1. Review the claim as well as any accompanying information including documentation or information provided by the City's liability insurance carrier.
  2. Determine whether the blockage occurred in the claimant's service line and or was caused or occasioned by the claimant's own actions.
  3. Determine whether the blockage and/or backup occurred in the City's main line, over which the City has responsibility for maintenance, as a result of something unknown to and/or outside of the control of the City, in which case the claim may be considered for payment by the City Council.
  4. Investigate and verify the extent of alleged property damage suffered by the claimant and the cost of repair or replacement of the claimant's property.
  5. If it is verified that the claimant's property has been damaged due to a blockage and/or backup of the City's main sewer line which occurred as a result of something unknown to and/or outside of the control of the City, the Governing Body of the City of Rock Springs may authorize payment for such damages.
- D. **TIME LIMITATION FOR FILING A CLAIM.** The City will not consider a claim if the claim is received more than thirty (30) days after the claimant's notification of denial from the City's insurance carrier.  
(98-07, Added, 07/07/1998)

**7-420      Pretreatment**

**TABLE OF CONTENTS**

**SECTION 1—GENERAL PROVISIONS**

- 1.1 Purpose and Policy**
- 1.2 The Objectives of this Ordinance are**
- 1.3 Administration**
- 1.4 Abbreviations/Acronyms**
- 1.5 Definitions**

**SECTION 2—GENERAL SEWER USE REQUIREMENTS**

- 2.1 Prohibited Discharge Standards**
- 2.2 National Categorical Pretreatment Standards**
- 2.3 Local Limits/BMP's**
- 2.4 City of Rock Spring's Right of Revision**

## **2.5 Dilution**

### **SECTION 3—PRETREATMENT OF WASTEWATER**

#### **3.1 Pretreatment Facilities**

#### **3.2 Maintenance for Pretreatment Measures**

#### **3.3 Requirement for Pretreatment Facilities**

#### **3.4 Treatment of Materials, or Industrial or Commercial Wastes Discharged to the POTW**

#### **3.5 Additional Pretreatment Measures**

#### **3.6 Sector Control Programs**

#### **3.7 Accidental Discharge/Slug Discharge Control Plans**

#### **3.8 Hauled Wastewater**

### **SECTION 4—INDIVIDUAL OR GENERAL WASTEWATER DISCHARGE PERMITS**

#### **4.1 Wastewater Analysis**

#### **4.2 Individual or General Wastewater Discharge Permit Requirement**

#### **4.3 Individual or General Wastewater Discharge Permitting**

#### **4.4 Individual or General Wastewater Discharge Permit Application Contents**

#### **4.5 Application Signatories and Certifications**

#### **4.6 Individual or General Wastewater Discharge Permit Decisions**

### **SECTION 5—INDIVIDUAL OR GENERAL WASTEWATER DISCHARGE PERMIT ISSUANCE**

#### **5.1 Individual or General Wastewater Discharge Permit Duration**

#### **5.2 Individual or General Wastewater Discharge Permit Transfer**

#### **5.3 Individual or General Wastewater Discharge Permit Contents**

#### **5.4 Permit Modification**

#### **5.5 Individual or General Wastewater Discharge Permit Revocation**

#### **5.6 Individual or General Wastewater Discharge Permit Reissuance**

#### **5.7 Regulation of Waste Received from Other Jurisdictions**

### **SECTION 6—REPORTING REQUIREMENTS**

#### **6.1 Baseline Monitoring Reports**

#### **6.2 Compliance Schedule Progress Reports**

#### **6.3 Reports on Compliance with Categorical Pretreatment Standard Deadline**

#### **6.4 Periodic Compliance Reports**

#### **6.5 Reports of Changed Conditions**

#### **6.6 Reports of Potential Problems**

#### **6.7 Reports from Unpermitted Users**

#### **6.8 Notice of Violation/Repeat Sampling and Reporting**

#### **6.9 Notification of the Discharge of Hazardous Waste**

#### **6.10 Analytical Requirements**

#### **6.11 Sample Collection**

#### **6.12 Date of Receipt of Reports**

#### **6.13 Recordkeeping**

#### **6.14 Certification Statements**

### **SECTION 7—COMPLIANCE MONITORING**

#### **7.1 Right of Entry, Inspection and Sampling**

#### **7.2 Search Warrants**

### **SECTION 8—CONFIDENTIAL INFORMATION**



**8.1 Procedures for Handling Confidential Information**

**SECTION 9—PUBLICATION OF USERS IN SIGNIFICANT NONCOMPLIANCE**

**9.1 Annual Publication for Significant Non-Compliance**

**SECTION 10—ADMINISTRATIVE ENFORCEMENT REMEDIES**

**10.1 Notification of Violation**

**10.2 Consent Orders**

**10.3 Show Cause Hearing**

**10.4 Compliance Orders**

**10.5 Cease and Desist Orders**

**10.6 Administrative Fines**

**10.7 Emergency Suspensions**

**10.8 Termination of Discharge**

**SECTION 11—JUDICIAL ENFORCEMENT REMEDIES**

**11.1 Injunctive Relief**

**11.2 Civil Penalties**

**11.3 Criminal Prosecution**

**11.4 Remedies Nonexclusive**

**SECTION 12—SUPPLEMENTAL ENFORCEMENT ACTION**

**12.1 Payment of Outstanding Fees and Penalties**

**12.2 Water Supply Severance**

**12.3 Public Nuisances**

**SECTION 13—AFFIRMATIVE DEFENSES TO DISCHARGE VIOLATIONS**

**13.1 Upset**

**13.2 Prohibited Discharge Standards**

**13.3 Bypass**

**SECTION 14—ENFORCEMENT RESPONSE PLAN**

**14.1 Enforcement Response Plan Contents**

**14.2 Enforcement Response Plan Actions**

**SECTION 15—MISCELLANEOUS PROVISIONS**

**15.1 Pretreatment Charges and Fees**

**15.2 Severability**

**SECTION 16—EFFECTIVE DATE**

## SECTION 1—GENERAL PROVISIONS

- 1.1 Purpose and Policy** – This ordinance sets forth uniform requirements for Users of the Publicly Owned Treatment Works for the City of Rock Springs and enables the City of Rock Springs to comply with all applicable State and Federal laws, including the Clean Water Act (33 United States Code [U.S.C.] section 1251 et seq.) and the General Pretreatment Regulations (Title 40 of the Code of Federal Regulations [CFR] Part 403).
- 1.2 The Objectives of this Ordinance are:**
- A. To prevent the introduction of pollutants into the Publicly Owned Treatment Works that will interfere with its operation;
  - B. To prevent the introduction of pollutants into the Publicly Owned Treatment Works that will pass through the Publicly Owned Treatment Works, inadequately treated, into receiving waters, or otherwise be incompatible with the Publicly Owned Treatment Works;
  - C. To protect both Publicly Owned Treatment Works personnel who may be affected by wastewater and sludge in the course of their employment and the general public;
  - D. To promote reuse and recycling of industrial wastewater and sludge from the Publicly Owned Treatment Works;
  - E. To provide for fees for the equitable distribution of the cost of operation, maintenance, and improvement of the Publicly Owned Treatment Works; and
  - F. To enable the City of Rock Springs to comply with its National Pollutant Discharge Elimination System permit conditions, sludge use and disposal requirements, and any other Federal or State laws to which the Publicly Owned Treatment Works is subject.
  - G. This ordinance shall apply to all Users of the Publicly Owned Treatment Works, and to persons outside the City who are, by contract or agreement with the City, users of the City Publicly Owned Treatment Works.
  - H. The ordinance authorizes the issuance of Individual or General Wastewater Discharge permits; provides for monitoring, compliance, and enforcement activities; establishes administrative review procedures; requires User reporting; and provides for the setting of fees for the equitable distribution of costs resulting from the program established herein.
- 1.3 Administration**
- A. Except as otherwise provided herein, the Water Reclamation Facility Superintendent shall administer, implement, and enforce the provisions of this ordinance. Any powers granted to or duties imposed upon the Water Reclamation Facility Superintendent may be delegated by the Water Reclamation Facility Superintendent to a duly authorized City of Rock Springs employee.
  - B. The City of Rock Springs Water Reclamation Facility Superintendent shall be the Signatory Official for the City of Rock Springs Pretreatment Program.
- 1.4 Abbreviations/Acronyms** – The following abbreviations, when used in this ordinance, shall have the designated meanings:
- |         |   |
|---------|---|
| A. BETX | <b>Benzene, Ethylbenzene, Toluene, Xylene</b> |
| B. BPJ  | Best Professional Judgment                    |
| C. BMP  | Best Management Practice                      |

D.	BMR	Baseline Monitoring Report
E.	BOD	Biochemical Oxygen Demand
F.	CFR	Code of Federal Regulations
G.	CIU	Categorical Industrial User
H.	CWA	Clean Water Act
I.	DEQ	Department of Environmental Quality
J.	EPA	United States Environmental Protection Agency
K.	ERP	Enforcement Response Plan
L.	O&G	Oil and Grease
M.	gpd	Gallons per day
N.	IU	Industrial User
O.	IWS	Industrial Waste Survey
P.	I&I	Inflow and Infiltration
Q.	IPC	International Plumbing Code
R.	LEL	Lower Explosive Limit
S.	mg/L	milligrams per liter
T.	MAHL	Maximum Allowable Headworks Loading
U.	MAIL	Maximum Allowable Industrial Loading
V.	MCL	Maximum Contaminant Level
W.	MDL	Method Detection Limit
X.	MGD	Million Gallons per Day
Y.	MLQ	Minimum Level of Quantitation
Z.	MLE	Maximum Likelihood Estimation
AA.	MRE	Mean Removal Efficiency
BB.	MSDS	Material Safety Data Sheet
CC.	NPDES	National Pollutant Discharge Elimination System
DD.	NSCIU	Non-Significant Categorical Industrial User
EE.	POC	Pollutant of Concern
FF.	POTW	Publicly Owned Treatment Works
GG.	PS	Percent Solids
HH.	QA/QC	Quality Assurance/Quality Control
II.	RCRA	Resource Conservation and Recovery Act
JJ.	SGT-HEM	Silica Gel Treated Hexane Extractable Materials
KK.	SIC	Standard Industrial Classification
LL.	SIU	Significant Industrial User
MM.	SNC	Significant Noncompliance
NN.	SUO	Sewer Use Ordinance
OO.	SWDA	Solid Waste Disposal Act, 42 U.S.C. 6901, et. seq.
PP.	TCLP	Toxicity Characteristic Leaching Procedure
QQ.	TMDL	Total Maximum Daily Load
<b>RR.</b>	TRE	Toxicity Reduction Evaluation
SS.	TSD	Technical Support Document
TT.	TSS	Total Suspended Solids
UU.	ug/L	Micrograms per liter
VV.	VOC	Volatile Organic Compound

WW.WRF                      Wastewater Treatment Plant

1. The City may, for administrative purposes, use such other abbreviations as may be necessary, and or convenient, these maybe listed or addressed in a Pretreatment Policy and Procedures Manual.

**1.5 Definitions** – Unless a provision explicitly states otherwise, the following terms and phrases, as used in this ordinance, shall have the meanings hereinafter designated.

- A. Act or “the Act.” The Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C. section 1251 et seq.
- B. Approval Authority. The Approval Authority for the City of Rock Springs is “The EPA Administrator of Region VIII”. Cited from 40 CFR 403.3 (c).
- C. Authorized or Duly Authorized Representative of the User.
  1. If the User is a corporation:
    - (a) The president, secretary, treasurer, or a vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation; or
    - (b) The manager of one or more manufacturing, production, or operating facilities, provided the manager is authorized to make management decisions that govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiate and direct other comprehensive measures to assure long-term environmental compliance with environmental laws and regulations; can ensure that the necessary systems are established or actions taken to gather complete and accurate information for Individual or General Wastewater Discharge permit requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.
  2. If the User is a partnership or sole proprietorship: a general partner or proprietor, respectively.
  3. If the User is a Federal, State, or local governmental facility: a director or highest official appointed or designated to oversee the operation and performance of the activities of the government facility, or their designee.
  4. The individuals described in paragraphs 1 through 3, above, may designate a Duly Authorized Representative if the authorization is in writing, the authorization specifies the individual or position responsible for the overall operation of the facility from which the discharge originates or having overall responsibility for environmental matters for the company, and the written authorization is submitted to the City of Rock Springs.

- D. Best Management Practices or BMPs. means schedules of activities, prohibitions of practices, maintenance procedures, general good housekeeping practices, pollution prevention, educational practices, and other management practices to implement the prohibitions listed in Section 2.1 [40 CFR 403.5(a)(1) and (b)]. BMPs include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw materials storage. Note: BMPs also include alternative means (i.e., management plans) of complying with, or in place of certain established categorical Pretreatment Standards and effluent limits.
- E. Biochemical Oxygen Demand or BOD. The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedures for five (5) days at 20 degrees centigrade, usually expressed as a concentration (e.g., mg/L).
- F. Building Sewer. A sewer conveying wastewater from the premises of a User to the City Collection System and the Publicly Owned Treatment Works.
- G. Categorical Industrial User. An Industrial User subject to a categorical Pretreatment Standard or categorical Standard.
- H. Categorical Pretreatment Standard or Categorical Standard. Any regulation containing pollutant discharge limits promulgated by EPA in accordance with sections 307(b) and (c) of the Act (33 U.S.C. section 1317) that apply to a specific category of Users and that appear in 40 CFR Chapter I, Subchapter N, Parts 405-471.
- I. Chemical Oxygen Demand or COD. A measure of the oxygen required to oxidize all compounds, both organic and inorganic, in water.
- J. City. The City of Rock Springs or the City Council of Rock Springs, or the Governing Body for legislative purposes, or the Mayor, or his or her designated representative for administrative purposes. The City shall mean and include all territory over which the City now has or shall hereafter acquire jurisdiction for the exercise of its police powers or other regulatory powers.
- K. Composite Sample. For the purposes of this Ordinance means; a sample made up of equal parts of multiple proportioned samples over a set period of time which are combined together to make up a representative sample of the discharge being monitored. Usually, a minimum of four samples prescribed by flows, or time, taken at equal intervals over the duration of the daily discharge during production hours.
- L. Control Authority. The City of Rock Springs.
- M. Daily Maximum. The arithmetic average of all effluent samples for a pollutant collected during a calendar day. (24 hours).
- N. Daily Maximum Limit. The maximum allowable discharge limit of a pollutant during a calendar day. Where Daily Maximum Limits are expressed in units of mass, the daily discharge is the total mass discharged over the course of the day. Where Daily Maximum Limits are expressed in terms of a concentration, the daily discharge is the arithmetic average measurement of the pollutant concentration derived from all measurements taken that day.
- O. Direct Discharge. The discharge of treated or untreated wastewater directly to the waters of the State of Wyoming.

- P. Environmental Protection Agency or EPA. The U.S. Environmental Protection Agency or, where appropriate, the Regional Water Management Division Director, the Regional Administrator, or other duly authorized official of said agency.
- Q. Existing Source. Any source of discharge that is not a “New Source.”
- R. FOG or O&G, Fats, Oils, Grease’s. Is fat, oil, or grease in a physical state such that it will separate by gravity from wastewater by treatment in an approved pretreatment facility. A wastewater shall be considered free of floatable fat if it is properly pretreated and the wastewater does not interfere with the collection system. Commercial kitchen cooking wastes, grease and oils are those substances which cause blockages in sewer lines. The grease traps function is to prevent liquid wastes containing grease, oil and solid type substances, and other such ingredients from entering public, or private sewage disposal systems until the liquid wastes have been properly treated. If large amounts of grease, soaps and oils enter a sewer system, the materials will coagulate, solidify, and adhere to the side of the piping, eventually blocking or partially blocking the pipe.
- S. Grab Sample. A sample that is taken from a waste stream without regard to the flow in the waste stream and over a period of time not to exceed fifteen (15) minutes.
- T. Indirect Discharge or Discharge. The introduction of pollutants into the POTW from any non-domestic source regulated under sections 307 (b), (c), or (d) of the Act
- U. Instantaneous Limit. The maximum concentration of a pollutant allowed to be discharged at any time, determined from the analysis of any discrete or composited sample collected, independent of the industrial flow rate and the duration of the sampling event.
- V. Interceptor, Trap, or Trap/Interceptor Unit. An interceptor trap or trap/interceptor Unit is a device designed and installed so as to separate and retain deleterious, hazardous, and undesirable matter from normal wastes and permit normal sewage or treated liquid wastes to discharge into the disposal system/terminal by gravity.
- W. Interference. 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 of Rock Spring’s NPDES permit or of the prevention of sewage sludge use or disposal in compliance with any of the following statutory/regulatory provisions or permits issued there under, or any more stringent State or local regulations: section 405 of the Act; the Solid Waste Disposal Act, including Title II commonly referred to as the Resource Conservation and Recovery Act (RCRA); any State regulations contained in any State sludge management plan prepared pursuant to Subtitle D of the Solid Waste Disposal Act; the Clean Air Act; the Toxic Substances Control Act; and the Marine Protection, Research, and Sanctuaries Act.
- X. Local Limit. Specific discharge limits developed and enforced by the City of Rock Springs upon industrial or commercial facilities to implement the general and specific discharge prohibitions listed in 40 CFR 403.5(a)(1) and (b).
- Y. Medical Waste. Isolation wastes, infectious agents, human blood and blood products, pathological wastes, sharps, body parts, contaminated bedding, surgical wastes, potentially contaminated laboratory wastes, and dialysis wastes.

- Z. Monthly Average. The sum of all “daily discharges” measured during a calendar month divided by the number of “daily discharges” measured during that month.
- AA. Monthly Average Limit. The highest allowable average of “daily discharges” over a calendar month, calculated as the sum of all “daily discharges” measured during a calendar month divided by the number of “daily discharges” measured during that month.
- BB. New Source.
1. Any building, structure, facility, or installation from which there is (or may be) a discharge of pollutants, the construction of which commenced after the publication of proposed Pretreatment Standards under section 307(c) of the Act that will be applicable to such source if such Standards are thereafter promulgated in accordance with that section, provided that:
    - (a) The building, structure, facility, or installation is constructed at a site at which no other source is located; or
    - (b) The building, structure, facility, or installation totally replaces the process or production equipment that causes the discharge of pollutants at an Existing Source; or
    - (c) The production or wastewater generating processes of the building, structure, facility, or installation are substantially independent of an Existing Source at the same site. In determining whether these are substantially independent, factors such as the extent to which the new facility is integrated with the existing plant, and the extent to which the new facility is engaged in the same general type of activity as the Existing Source, should be considered.
  2. Construction on a site at which an Existing Source is located results in a modification rather than a New Source if the construction does not create a new building, structure, facility, or installation meeting the criteria of Section (1) (b) or (c) above but otherwise alters, replaces, or adds to existing process or production equipment.
  3. Construction of a New Source as defined under this paragraph has commenced if the owner or operator has:
    - (a) Begun, or caused to begin, as part of a continuous onsite construction program or;
      - (i) Any placement, assembly, or installation of facilities or equipment; or
      - (ii) Significant site preparation work including clearing, excavation, or removal of existing buildings, structures, or facilities which is necessary for the placement, assembly, or installation of new source facilities or equipment; or
    - (b) Entered into a binding contractual obligation for the purchase of facilities or equipment which is intended to be used in its operation within a reasonable time. Options to purchase or contracts which can be terminated or modified without substantial loss, and contracts for feasibility, engineering, and design studies do not constitute a contractual obligation under this paragraph.

- CC. Noncontact Cooling Water. Water used for cooling that does not come into direct contact with any raw material, intermediate product, waste product, or finished product.
- DD. Pass Through. A discharge which exits the POTW into waters of the United States in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the City of Rock Spring's NPDES permit, including an increase in the magnitude or duration of a violation.
- EE. Person. Any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity, or any other legal entity; or their legal representatives, agents, or assigns. This definition includes all Federal, State, and local governmental entities.
- FF. pH. A measure of the acidity or alkalinity of a solution, expressed in standard units.
- GG. Pollutant. Dredged spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, sewage sludge, munitions, Medical Wastes, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt, municipal, agricultural and industrial wastes, and certain characteristics of wastewater (e.g., pH, temperature, TSS, turbidity, color, BOD, COD, toxicity, or odor).
- HH. Pretreatment. 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, introducing such pollutants into the POTW. This reduction or alteration can be obtained by physical, chemical, or biological processes; by process changes; or by other means, except by diluting the concentration of the pollutants unless allowed by an applicable Pretreatment Standard.
- II. Pretreatment and Collections Supervisor. The person designated by the Water Reclamation Facility Superintendent to administer and supervise the Industrial Pretreatment Program. For the purpose of this ordinance this term also means Control Authority.
- JJ. Pretreatment Requirements. Any substantive or procedural requirement related to pretreatment imposed on a User, other than a Pretreatment Standard imposed on an Industrial User.
- KK. Pretreatment Standards or Standards. Pretreatment Standards shall mean prohibited discharge standards, categorical Pretreatment Standards, and Local Limits.
- LL. Prohibited Discharge Standards or Prohibited Discharges. Absolute prohibitions against the discharge of certain substances; these prohibitions appear in Section 2.1 of this ordinance.



- MM. Publicly Owned Treatment Works or POTW. A treatment works, as defined by section 212 of the Act (33 U.S.C. section 1292), which is owned by the City of Rock Springs. This definition includes any devices or systems used in the collection, storage, treatment, recycling, and reclamation of sewage or industrial wastes of a liquid nature and any conveyances, which convey wastewater to a treatment plant. The term also means the municipality as defined in section 502(4) of the Act, which has jurisdiction over the Indirect Discharges to and the discharges from such a treatment works.
- NN. Residential Sewer User. A sewer user with a discharge of under 25,000 gallons per month which is free from Industrial or Commercial waste and of such character as to permit satisfactory disposal without special treatment into the public Wastewater Collection System. Disposal flow of a residential user is based on the winter time culinary water usage.
- OO. Septic Tank Waste. Any sewage from holding tanks such as vessels, chemical toilets, campers, trailers, and septic tanks.
- PP. Sewage. Human excrement and gray water (household showers, dishwashing operations, etc.).
- QQ. Significant Industrial User (SIU).
1. An Industrial User subject to categorical Pretreatment Standards; or
  2. An Industrial User that:
    - (a) Discharges an average of twenty-five thousand (25,000) gpd or more of process wastewater to the POTW (excluding sanitary, noncontact cooling and boiler blow down wastewater);
    - (b) Contributes a process waste stream which makes up five (5) percent or more of the average dry weather hydraulic or organic capacity of the POTW treatment plant; or
    - (c) Is designated as such by the City of Rock Springs on the basis that it has a reasonable potential for adversely affecting the POTW's operation or for violating any Pretreatment Standard or Requirement.
- RR. Slug Load or Slug Discharge. Any discharge at a flow rate or concentration, which could cause a violation of the prohibited discharge standards in Section 2.1 of this ordinance. 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.
- SS. Standard Industrial Classification (SIC). A classification pursuant to the Standard Industrial Classification Manual issued by the Executive Office of the President, Office of Management and Budget, 1972 or most current edition.
- TT. State. The Definition of State for the purposes of this Ordinance shall mean the State of Wyoming.
- UU. Storm Water. Any flow occurring during or following any form of natural precipitation, and resulting from such precipitation, including snowmelt.

- VV. Total Suspended Solids or Suspended Solids. The total suspended matter that floats on the surface of, or is suspended in, water, wastewater, or other liquid, and that is removable by laboratory filtering.
- WW. User or Industrial User. A source of indirect discharge.
1. User. Any person who contributes, causes or permits the contribution of wastewater into the City's POTW.
  2. Industrial User. A source of Indirect Discharge Discharger or an Industrial Discharger means any non-residential user who discharges an effluent into a POTW by means of pipes, conduits, pumping stations, force mains, constructed drainage ditches, surface water intercepting ditches, and all constructed devices and appliances appurtenant thereto.
- XX. Wastewater. Liquid and water-carried industrial wastes and sewage from residential dwellings, commercial buildings, industrial and manufacturing facilities, and institutions, whether treated or untreated, which are contributed to the POTW.
- YY. Water Reclamation Facility or Treatment Plant. That portion of the POTW which is designed to provide treatment of municipal sewage and industrial waste.
- ZZ. Water Reclamation Facility Superintendent. The person designated by the City of Rock Springs to supervise the operation of the POTW, and who is charged with certain duties and responsibilities by this ordinance. The term also means a Duly Authorized Representative of the Water Reclamation Facility Superintendent .

## **SECTION 2—GENERAL SEWER USE REQUIREMENTS**

### **2.1 Prohibited Discharge Standards**

- A. General Prohibitions. No User shall introduce or cause to be introduced into the POTW any pollutant or wastewater which causes Pass Through or Interference. These general prohibitions apply to all Users of the POTW whether or not they are subject to categorical Pretreatment Standards or any other National, State, or local Pretreatment Standards or Requirements. The Prohibited Discharge Standards are listed in 40 CFR 403.5.
- B. Specific Prohibitions. No User shall introduce or cause to be introduced into the POTW the following pollutants, substances, or wastewater:
  1. Pollutants which create a fire or explosive hazard in the POTW, including, but not limited to, waste streams with a closed-cup flashpoint of less than 140 degrees F (60 degrees C) using the test methods specified in 40 CFR 261.21;
  2. Wastewater having a pH value at or below 5.0; or otherwise causing corrosive structural damage to the POTW or equipment;
  3. Solid or viscous substances in amounts which will cause obstruction of the flow in the POTW resulting in Interference;
  4. Pollutants, including oxygen-demanding pollutants (BOD, etc.), released in a discharge at a flow rate and/or pollutant concentration which, either singly or by interaction with other pollutants, will cause Interference with the POTW;
  5. Wastewater having a temperature greater than 104 degrees F (40 degrees C), or which will inhibit biological activity in the treatment plant resulting in Interference, but in no case wastewater which causes the temperature at the introduction into the treatment plant to exceed 104 degrees F (40 degrees C);

6. Petroleum oil, non-biodegradable cutting oil, or products of mineral oil origin that exceed 102 mg/L, or discharged in such amounts that will cause Interference or Pass Through;
7. Pollutants which result in the presence of toxic gases, vapors, or fumes within the POTW in a quantity that may cause acute worker health and safety problems;
8. Trucked or hauled pollutants, except at discharge points designated by Control Authority in accordance with Section 3.9 of this ordinance;
9. Noxious or malodorous liquids, gases, solids, or other wastewater which, either singly or by interaction with other wastes, are sufficient to create a public nuisance or a hazard to life, or to prevent entry into the sewers for maintenance or repair;
10. Wastewater which imparts color which cannot be removed by the treatment process, such as, but not limited to, dye wastes and vegetable tanning solutions, which consequently imparts color to the treatment plant's effluent, thereby violating the City of Rock Springs NPDES permit;
11. Wastewater containing any radioactive wastes or isotopes except in compliance with applicable State or Federal regulations;
12. Storm Water, surface water, ground water, artesian well water, roof runoff, subsurface drainage, condensate, de-ionized water, Noncontact Cooling Water, and unpolluted wastewater, unless specifically authorized by the Control Authority;
13. Sludge's, screenings, or other residues from the pretreatment of industrial wastes;
14. Wastewater causing, alone or in conjunction with other sources, the treatment plant's effluent to fail toxicity test;
15. Detergents, surface-active agents, or other substances which that might cause excessive foaming in the POTW;
16. Wastewater causing two readings on an explosion hazard meter at the point of discharge into the POTW, or at any point in the POTW, of more than five percent (5%) or any single reading over five percent (5%) of the Lower Explosive Limit of the meter. Pollutants, substances, or wastewater prohibited by this Section shall not be processed or stored in such a manner that they could be discharged to the POTW.
17. Wastewater which contains grease or oil or any other substance that will solidify or become discernibly viscous at temperatures between thirty two degrees (32°) Fahrenheit (0° Celsius) and one hundred fifty degrees (150°) Fahrenheit (65.5° Celsius).
18. Wastewater containing free or floating oil and/or grease, or any discharge containing animal fat or grease by-product in excess of two hundred milligrams per liter (200 mg/L) except where a food service establishment has installed and is properly operating and maintaining a grease interceptor and implementing all required MBPs.

**2.2 National Categorical Pretreatment Standards** - Users must comply with the categorical Pretreatment Standards found at 40 CFR Chapter I, Subchapter N, Parts 405–471.

- A. Where a categorical Pretreatment Standard is expressed only in terms of either the mass or the concentration of a pollutant in wastewater, the Control Authority may impose equivalent concentration or mass limits.
- B. When wastewater subject to a categorical Pretreatment Standard is mixed with wastewater not regulated by the same Standard, the Control Authority shall impose an alternate limit in accordance with 40 CFR 403.6(e).

**2.3 Local Limits**

- A. Numerical Discharge Limitations

1. No permitted Industrial User shall discharge or cause to be discharged wastewater that exceeds the following limits:

Pollutant <sup>(a)</sup>	Daily Maximum Limit (mg/L)
Arsenic	0.25
Cadmium	0.012
Chromium	4.92
Copper	0.54
Lead	0.88
Mercury	0.016
Molybdenum	0.79
Nickel	3.14
Selenium	0.15
Silver	0.59
Zinc	3.65
Chloride <sup>(b)</sup>	1.738

<sup>(a)</sup> All Pollutants as Total and in mg/L unless otherwise specified.

<sup>(b)</sup> If a permitted industrial User (IU) exceeds 1,500 mg/L Chloride, the IU shall be required to identify source(s) of Chloride in its waste stream and develop options for reducing the concentration.

2. The City may, at its sole discretion, implement local limits through allocation of the Maximum Allowable Industrial Load (MAIL) to permitted Industrial Users. The MAIL is the total load available to be allocated to permitted Industrial Users and corresponds to the uniform concentration local limits shown in the table above. The MAILs that correspond to the Daily Maximum Limits are hereby incorporated by reference.

B. The following limits shall apply to wastewaters that are discharged from the groundwater cleanup of petroleum or gasoline underground storage tanks or other remediation wastewaters containing these pollutants or where these pollutants are appropriate surrogates. It shall be unlawful for any Industrial User to discharge or cause to be discharged any waste or wastewater that exceeds the following limits, as applicable:

Pollutant <sup>(a)(c)</sup>	Daily Maximum Limit (mg/L)
Benzene	0.050
BTEX <sup>(b)</sup>	0.750

<sup>(a)</sup> All pollutants shown in Table are total.

<sup>(b)</sup> BTEX shall be measured as the sum of Benzene, Ethylbenzene, Toluene and Xylenes.

<sup>(c)</sup> These limits are based upon installation of air stripping technology as described in the EPA document: "Model NPDES Permit for Discharges Resulting from the Cleanup of Gasoline Released from Underground Storage Tanks, June 1989."

- C. A permitted Industrial User that discharges Total Dissolved Solids in excess of 1,083 mg/L shall be required to identify source(s) of TDS in its wastestream and develop options for reducing the concentration.
- D. Best Management Practices (BMPs). The Control Authority may develop Best Management Practices (BMPs), by ordinance or in Individual or General Wastewater Discharge permits, to implement Local Limits and the requirements of Section 2.1
  - 1. As the authorized enforcement agency the City of Rock Springs may adopt requirements identifying Best Management Practices for any activity, operation, or facility which may cause or contribute to pollution or contamination of waste water, the waste water collection system, or waters of the U.S.
  - 2. The owner or operator of a commercial or industrial establishment shall provide, at their own expense, reasonable protection from accidental discharge of prohibited materials or other wastes into the municipal waste water collection system or to the POTW through the use of these structural and non-structural BMPs.
  - 3. Further, any person responsible for a property or premise, which is, or may be, the source of an illicit discharge, may be required to implement, at said person's expense, additional structural and non-structural BMPs to prevent the further discharge of pollutants to the municipal waste water collection system. Compliance with all terms and conditions of The City Ordinance and permit authorizing the discharge of waste water associated with industrial commercial activity, to the extent practicable, shall be deemed compliance with the provisions of this section. These BMPs shall be part of a Waste Water Pollution Prevention Plan (WWPPP) as necessary for compliance.

**2.4 City of Rock Springs Right of Revision** -The City of Rock Springs reserves the right to establish, by Ordinance or in Individual or General Wastewater Discharge permits, more stringent Standards or Requirements on discharges to the POTW consistent with the purpose of this Ordinance.

**2.5 Dilution** - No User shall ever increase the use of process water, or in any way attempt to dilute a discharge, as a partial or complete substitute for adequate treatment to achieve compliance with a discharge limitation unless expressly authorized by an applicable Pretreatment Standard or Requirement. The Control Authority may impose mass limitations on Users who are using dilution to meet applicable Pretreatment Standards or Requirements or in other cases when the imposition of mass limitations is appropriate.

## **SECTION 3 PRETREATMENT OF WASTEWATER**

### **3.1 Pretreatment Facilities**

- A. Users shall provide wastewater treatment as necessary to comply with this ordinance and shall achieve compliance with all categorical Pretreatment Standards, Local Limits, and the prohibitions set out in Section 2 of this Ordinance within the time limitations specified by EPA, the State, or the Control Authority, whichever is more stringent. Any facilities necessary for compliance shall be provided, operated, and maintained at the User's expense. Detailed plans describing such facilities and operating procedures shall be submitted to the Control Authority for review, and shall be acceptable to the Control Authority before such facilities are constructed. The review of such plans and operating procedures shall in no way relieve the User from the responsibility of modifying such facilities as necessary to produce a discharge acceptable to the City of Rock Springs under the provisions of this Ordinance.

- B. Any subsequent changes in the pretreatment facilities or method of operation shall be reported to and be acceptable to the City prior to the User's initiation of the changes.

**3.2 Maintenance of Pretreatment Facilities** - Where pretreatment or flow-equalizing facilities are provided or required for any waters, or wastes, these devices or equipment shall be maintained continuously in satisfactory and effective operation by the owner(s).

**3.3 Requirement for Pretreatment Facilities.** - Any property owner, or sewer user violating the provisions of this section shall upon notice by the City immediately install such pretreatment facilities through separators, traps, interceptor, sumps, and/or chemical, physical, or biochemical processes as will make and assure that the sewage or discharge contributed from such business, property or premises will meet the requirements of this Article and Ordinance.

**3.4 Treatment of Materials, or Industrial or Commercial Wastes Discharged to the POTW.**

- If any waters or wastes are discharged, or are proposed to be discharged to the public sewers, which contain the substances or possess the characteristics which in the judgment of the Control Authority, may have a deleterious effect upon the waste water facilities, processes, equipment, or receiving waters, or which otherwise create a hazard to life or constitute a public nuisance, and exceed or violate the discharge limitations in this Ordinance, the Control Authority may:

- A. Reject the wastes,
- B. Require pretreatment to an acceptable condition for discharge to the public sewers,
- C. Require control over the quantities and rates of discharge,
- D. Require payment to cover the added cost of handling and treating the wastes not covered by existing taxes or sewer charges. If the City permits the facility, or the pretreatment process, or equalization of waste flows, the design and installation of the plants and equipment shall be subject to the review and approval of the City and subject to the requirements of all applicable codes, ordinances, and laws; and/or
- E. Seek enforcement and legal remedies contained in this Ordinance, for violations of the limitations and provisions of this ordinance.

**3.5 Additional Pretreatment Measures**

- A. Whenever deemed necessary, the Control Authority may require Users to restrict their discharge during peak flow periods, designate that certain wastewater be discharged only into specific sewers, relocate and/or consolidate points of discharge, separate sewage waste streams from industrial and or commercial waste streams, and such other conditions as may be necessary to protect the POTW and determine the User's compliance with the requirements of this ordinance.
- B. The Control Authority may require any person discharging into the POTW to install and maintain, on their property and at their expense, a suitable storage and flow-control facility to ensure equalization of flow. An Individual or General Wastewater Discharge permit may be issued solely for flow equalization.
- C. Industrial Waste Water Monitoring Facility Requirements. When required by the Control Authority, the owner(s), operators, of any property serviced by a building sewer carrying industrial or commercial wastes shall install a suitable structure, control manhole or monitoring facility together with such necessary meters, flow meters, etc., and other appurtenances in the building, on the grounds, or sewer to facilitate observation, sampling, and measurement of the wastes by the owner(s) and/or City.
- D. Sewage or other waste from a plumbing system which may be deleterious to surface or subsurface water's, shall not be discharged on or into the ground or into any waterway unless it has first been rendered innocuous through subjection to an acceptable form of

- treatment, and has WY DEQ and/or EPA approval. The City of Rock Springs shall not give this approval.
- E. Wastes detrimental to the public sewer collection system or detrimental to the functioning of the sewage treatment plant shall be properly treated and legally disposed of by the producer of such wastes, or as found necessary and as directed by the Control Authority, Administrative Authority, EPA, DEQ, or another Control Authority having jurisdiction.
  - F. It shall be unlawful for any person within the designated service area of the City to deposit or discharge, by any means, into any City storm water drainage system, catch basin, public floor drain, publicly accessible trap unit, site, point, or any other receptacle or device, which is connected to any City drainage system, City sewer collection system, private sewer which is connected to a City system, septic tank, toilet or cesspool which is hauled to the City; any ashes, cinders, solids, rags, inflammable's, poisonous or explosive liquids, gases, oils, grease, solvents, paints, gasoline, diesel fuel, antifreeze, or any other item or materials whatsoever which would, or could cause damage, harm, or plugging to the storm water drainage system, the environment, the ground water, the public, the City Water Reclamation Facility or the City sewage collection system.
  - G. Users with the potential to discharge flammable substances may be required to install and maintain an approved combustible gas detections meter/LEL meter.

**3.6 Sector Control Programs.** The Control Authority may establish sector control programs to control specific pollutants as necessary to meet the objectives of this Pretreatment Ordinance for the users that engage in similar activities and discharge similar pollutants. The Control Authority shall establish policies for each sector control program. This may include but would not be limited to grease traps, oil/sand interceptors, sump boxes, truck and hauled waste manifest programs, and other pretreatment devices. Users subject to these sector control programs may be required to install and operate wastewater pretreatment systems and, or implement best management practices and may be required to apply for a wastewater discharge permit.

**3.7 Accidental Discharge/Slug Discharge Control Plans** - The Control Authority shall evaluate whether each SIU needs an accidental discharge/slug discharge control plan or other action to control Slug Discharges. The Control Authority 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 Control Authority 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 non-routine batch discharges;
- B. Description of stored chemicals;
- C. Procedures for immediately notifying the Control Authority and or POTW of any accidental or Slug Discharge, as required by Section 6.6 of this ordinance; and
  1. The notification shall include location of discharge, type of waste, concentration and volume, and corrective actions.
  2. Within five (5) days following a spill or Slug discharge; the User shall submit to the Control Authority office a detailed written report describing the date, time and location of discharge, type of waste, concentration and volume, and cause of the discharge and the measures to be taken by the User to prevent similar future occurrences.
  3. Such notification shall not relieve the user of any expense, loss, damage, or other liability which may be incurred as a result of damage to the POTW, fish kill, or any other damage to person or property; nor shall such notification relieve the user of any

finances, civil penalties, or other liability which may be imposed by this article or other applicable law.

- 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. Notice to Employees.
  1. A notice shall be permanently posted on the User's Bulletin Board, or other prominent and conspicuous place advising employees whom to call in the event of a dangerous discharge, (Spill or Slug Discharge accident/incident).
  2. Signs shall be permanently posted in conspicuous places in the Wash Bay, and near Treatment Facilities, on the Discharger's premises, advising employees who to call in the event of a slug load or accidental discharge. Employers shall instruct all employees who may cause or discover such a discharge with respect to emergency notification procedure, and preventative measures.
  3. Employers shall insure that all employees who may cause or suffer such a dangerous discharge to occur are advised of the emergency notification procedure, and methods for stopping discharge.
  4. Follow-up practices to limit the damage suffered by the POTW or the environment.
  5. Any Spill or Slug discharge may be cause for the issuing of a Permit and or enforcement action, if, or when the Control Authority deems it necessary.

### 3.8 Hauled Wastewater

- A. Hauled waste may be introduced into the POTW only at locations designated by the Control Authority, and at such times as are established by the Control Authority. Such waste shall not violate Section 2 of this ordinance or any other requirements of this Ordinance and any others established by the City of Rock Springs. The Control Authority may require waste haulers to obtain Individual or General Wastewater Discharge permits.
- B. All hauled waste is subject to the truck and hauled waste manifest sector control program.

## SECTION 4—INDIVIDUAL OR GENERAL WASTEWATER DISCHARGE PERMITS

As set forth in this ordinance; Wastewater Contribution Permits are individual or general permits for commercial and or industrial users, significant, non- significant, and categorical users connected, or proposing to connect to, or to contribute to the POTW. A permit may be required for existing and new users as required by this Ordinance, and or upon notice from business license application. The Control Authority, at its discretion, may issue a permit to any user at any time where it deems necessary.

### 4.1 Wastewater Analysis

- A. When requested by the Control Authority, a User must submit information on the nature and characteristics of its wastewater within Thirty (30) days of the request. The Control Authority is authorized to prepare a form for this purpose and may periodically require Users to update this information.
- B. Wastewater Analysis Standards. All analyses shall be performed in accordance with procedures established by the EPA pursuant to section 304(h) of the Act and contained in 40 CFR Part 136 and amendments thereto or with any other test procedures approved by the EPA. Using required and approved Minimum Detection Limits (MDL's). Sampling shall be performed in accordance with the techniques approved by EPA. Where 40 CFR



Part 136 does not include sampling or analytical techniques for the pollutants in question, or where EPA determines that the Part 136 sampling and analytical techniques are inappropriate for the pollutant in question, sampling and analyses shall be performed using validated analytical methods or any other sampling and analytical procedures, including procedures suggested by the City or other parties, approved by EPA. Samples shall be taken at the monitoring facility provided.

**4.2 Individual or General Wastewater Discharge Permit Requirement.**

- A. No Significant Industrial User shall discharge wastewater into the POTW without first obtaining an individual or general wastewater discharge permit from the Control Authority, except that a Significant Industrial User that has filed a timely application pursuant to Section 4.3 of this ordinance may continue to discharge for the time period specified therein.
- B. The Control Authority may require other Users to obtain Individual or General Wastewater Discharge permits as necessary to carry out the purposes of this ordinance.
- C. Any violation of the terms and conditions of an Individual or General Wastewater Discharge permit shall be deemed a violation of this ordinance and subjects the wastewater discharge permittee to the sanctions set out in Sections 10 through 12 of this ordinance. Obtaining an Individual or General Wastewater Discharge permit does not relieve a permittee of its obligation to comply with all Federal and State Pretreatment Standards or Requirements or with any other requirements of Federal, State, and local law.

**4.3 Individual or General Wastewater Discharge Permitting:**

- A. Existing Connections. Any User required to obtain an individual or general wastewater discharge permit who was discharging wastewater into the POTW prior to the effective date of this ordinance and who wishes to continue such discharges in the future, shall, within Thirty(30) days after said date, apply to the Control Authority for an Individual or General Wastewater Discharge permit in accordance with Section 4.4 of this ordinance, and shall not cause or allow discharges to the POTW to continue after [Thirty(30)] days of the effective date of this ordinance except in accordance with an individual or general wastewater discharge permit issued by the Control Authority.
- B. New Connections. Any User required to obtain an Individual or General Wastewater Discharge permit who proposes to begin or recommence discharging into the POTW must obtain such permit prior to the beginning or recommencing of such discharge. An application for this Individual or General Wastewater Discharge permit, in accordance with Section 4.4 of this ordinance, must be filed at least Ninety (90) days prior to the date upon which any discharge will begin or recommence.

**4.4 Individual or General Wastewater Discharge Permit Application Contents.** New or Existing Users required to obtain, or who are issued a Wastewater Contribution Permit shall complete and file with the City, an application in the form prescribed by the City and accompanied by a permit fee as adopted by the Governing Body. Permits may be issued as necessary to control discharges prior to any application or disclosure forms being competed or provided to the City. Proposed new users shall apply at least ninety (90) days prior to connecting or to contributing to the POTW. Existing users shall upon notice apply for a permit. In support of the application, the user shall submit, in units and terms appropriate for evaluation, the information required in Section 8.of this Ordinance.

- A. All Users required to obtain an Individual or General Wastewater Discharge permit must submit a permit application. Additional information may be required in a Baseline Monitoring Report, and/or an Industrial Waste Survey at the Control Authorities Request.

Control Authority may require Users to submit all or some of the following information as part of a permit application:

1. Identifying Information.
  - a. The name and address of the facility, including the name of the operator and owner.
  - b. Contact information, description of activities, facilities, and plant production processes on the premises;
2. Environmental Permits. A list of any environmental control permits held by or for the facility.
3. Description of Operations.
  - a. A brief description of the nature, average rate of production (including each product produced by type, amount, processes, and rate of production), and standard industrial classifications of the operation(s) carried out by such User. This description should include a schematic process diagram, which indicates points of discharge to the POTW from the regulated processes.
  - b. Types of wastes generated, and a list of all raw materials and chemicals used or stored at the facility which are, or could accidentally or intentionally be, discharged to the POTW;
  - c. Number and type of employees, hours of operation, and proposed or actual hours of operation;
  - d. Type and amount of raw materials processed (average and maximum per day);
  - e. Site plans, floor plans, mechanical and plumbing plans, and details to show all sewers, floor drains, and appurtenances by size, location, and elevation, and all points of discharge;
4. Time and duration of discharges;
5. The location for monitoring all wastes covered by the permit;
6. Flow Measurement. Information showing the measured average daily and maximum daily flow, in gallons per day, to the POTW from regulated process streams and other streams, as necessary, to allow use of the combined waste stream formula set out in Section 2.2B (40 CFR 403.6(e)).
7. Measurement of Pollutants.
  - a. The categorical Pretreatment Standards applicable to each regulated process and any new categorically regulated processes for Existing Sources.
  - b. The results of sampling and analysis identifying the nature and concentration, and/or mass, where required by the Standard or by the Control Authority, of regulated pollutants in the discharge from each regulated process.
  - c. Instantaneous, Daily Maximum, and long-term average concentrations, or mass, where required, shall be reported.
  - d. The sample shall be representative of daily operations and shall be analyzed in accordance with procedures set out in Section 6.10 of this ordinance. Where the Standard requires compliance with a BMP 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.
  - e. Sampling must be performed in accordance with procedures set out in Section 6.11 of this ordinance.
8. Any requests for a monitoring waiver (or a renewal of an approved monitoring waiver) for a pollutant neither present nor expected to be present in the discharge based on Section 6.4 B [40 CFR 403.12(e)(2)].
9. Any other information as may be deemed necessary by Control Authority to evaluate the permit application.

10. Incomplete or inaccurate applications will not be processed and will be returned to the User for revision.

#### **4.5 Application Signatories and Certifications**

- A. All wastewater discharge permit applications, User reports and certification statements must be signed by an Authorized Representative of the User and contain the certification statement in Section 6.14 A.
- B. If the designation of an Authorized Representative is no longer accurate because a different individual or position has responsibility for the overall operation of the facility or overall responsibility for environmental matters for the company, a new written authorization satisfying the requirements of this Section must be submitted to the Control Authority prior to or together with any reports to be signed by an Authorized Representative.

**4.6 Individual or General Wastewater Discharge Permit Decisions.** The Control Authority will evaluate the data furnished by the User and may require additional information. Within Thirty (30) days of receipt of a complete permit application, the Control Authority will determine whether to issue an Individual or General Wastewater Discharge permit. The Control Authority may deny any application for an Individual or General Wastewater Discharge permit.

### **SECTION 5—INDIVIDUAL OR GENERAL WASTEWATER DISCHARGE PERMITS ISSUANCE**

**5.1 Individual or General Wastewater Discharge Permit Duration.** An Individual or General Wastewater Discharge permit shall be issued for a specified time period, not to exceed five (5) years from the effective date of the permit. An Individual or General Wastewater Discharge permit may be issued for a period less than five (5) years, at the discretion of the Control Authority. Each Individual or General Wastewater Discharge permit will indicate a specific date upon which it will expire.

**5.2 Individual or General Wastewater Discharge Permit Transfer.** Wastewater Discharge Permits are issued to a specific User for a specific operation. A wastewater discharge permit shall not be reassigned or transferred or sold to a new owner, new User, different premises, or a new or changed operation without the approval of the City. Any succeeding owner or User shall also comply with the terms and conditions of the existing permit until such time as a new permit may be issued. A copy of the existing permit shall be provided to the succeeding owner or User by the transferor before any transfer is made.

**5.3 Individual or General Wastewater Discharge Permit Contents.** An Individual or General Wastewater Discharge permit shall include such conditions as are deemed reasonably necessary by the Control Authority to prevent Pass Through or Interference, protect the quality of the water body receiving the treatment plant's effluent, protect worker health and safety, facilitate sludge management and disposal, and protect against damage to the POTW.

- A. Individual or General Wastewater Discharge permits must contain:
1. A statement that indicates the wastewater discharge permit issuance date, expiration date and effective date; (Section 5.1)
  2. A statement that the wastewater discharge permit is nontransferable.
  3. Effluent limits, including Best Management Practices, based on applicable Pretreatment Standards;

4. Self-monitoring, sampling, reporting, notification, and record-keeping requirements. These requirements shall include an identification of pollutants (or best management practice) to be monitored, sampling location, sampling frequency, and sample type based on Federal, State, and local law.
  5. The process for seeking a waiver from monitoring for a pollutant neither present nor expected to be present in the Discharge in accordance with Section 6.4 B.
  6. A statement of applicable civil and criminal penalties for violation of Pretreatment Standards and Requirements, and any applicable compliance schedule. Such schedule may not extend the time for compliance beyond that required by applicable Federal, State, or local law.
  7. Requirements to control Slug Discharge, if determined by the Control Authority to be necessary.
  8. Any grant of the monitoring waiver by the Control Authority (Section 6.4 B) must be included as a condition in the User's permit [or other control mechanism].
- B. Individual or general wastewater discharge permits may contain, but need not be limited to, the following conditions:
1. Limits on the average and/or maximum rate of discharge, time of discharge, and/or requirements for flow regulation and equalization;
  2. Requirements for the installation of pretreatment technology, pollution control, or construction of appropriate containment devices, designed to reduce, eliminate, or prevent the introduction of pollutants into the treatment works;
  3. Requirements for the development and implementation of spill control plans or other special conditions including management practices necessary to adequately prevent accidental, unanticipated, or non-routine discharges;
  4. Development and implementation of waste minimization plans to reduce the amount of pollutants discharged to the POTW;
  5. The unit charge or schedule of User charges and fees for the management of the wastewater discharged to the POTW;
  6. Requirements for installation and maintenance of inspection and sampling facilities and equipment, including flow measurement devices;
  7. A statement that compliance with the individual or general wastewater discharge permit does not relieve the permittee of responsibility for compliance with all applicable Federal and State Pretreatment Standards, including those which become effective during the term of the individual or general wastewater discharge; and
  8. Other conditions as deemed appropriate by the Control Authority to ensure compliance with this ordinance, and State and Federal laws, rules, and regulations.

#### **5.4 Permit Modification**

- A. The Control Authority may modify an Individual or General Wastewater Discharge permit for good cause, including, but not limited to, the following reasons:
1. To incorporate any new or revised Federal, State, or local Pretreatment Standards or Requirements;
  2. To address significant alterations or additions to the User's operation, processes, or wastewater volume or character since the time of the Individual or General Wastewater Discharge permit issuance;
  3. A change in the POTW that requires either a temporary or permanent reduction or elimination of the authorized discharge;
  4. Information indicating that the permitted discharge poses a threat to the City Rock Springs's POTW, City of Rock Springs personnel, or the receiving waters;
  5. Violation of any terms or conditions of the Individual or General Wastewater Discharge permit;

6. Misrepresentations or failure to fully disclose all relevant facts in the wastewater discharge permit application or in any required reporting;
7. Revision of or a grant of variance from categorical Pretreatment Standards pursuant to 40 CFR 403.13;
8. To correct typographical or other errors in the individual or general wastewater discharge permit; or
9. Violation of any terms or conditions of the wastewater discharge permit or Pretreatment Ordinance

**5.5 Individual or General Wastewater Discharge Permit Revocation.** The Control Authority may revoke an individual or general wastewater discharge permit for good cause, including, but not limited to, the following reasons:

- A. Failure to notify the Control Authority of significant changes to the wastewater prior to the changed discharge;
- B. Failure to provide prior notification to the Control Authority of changed conditions pursuant to Section 6.5 of this ordinance;
- C. Misrepresentation or failure to fully disclose all relevant facts in the wastewater discharge permit application;
- D. Falsifying self-monitoring reports and certification statements;
- E. Tampering with monitoring equipment;
- F. Refusing to allow the Control Authority timely access to the facility premises and records;
- G. Failure to meet effluent limitations;
- H. Failure to pay fines;
- I. Failure to pay sewer charges;
- J. Failure to meet compliance schedules;
- K. Failure to complete an industrial waste survey or the wastewater discharge permit application;
- L. Violation of any Pretreatment Standard or Requirement, or any terms of the wastewater discharge permit or this ordinance. Individual or General Wastewater Discharge permits shall be voidable upon cessation of operations or transfer of business ownership. All Individual or General Wastewater Discharge permits issued to a User are void upon the issuance of a new Individual or General Wastewater Discharge permit to that User.

**5.6 Individual or General Wastewater Discharge Permit Reissuance.** A User with an expiring Individual or General Wastewater Discharge permit shall apply for Individual or General Wastewater Discharge permit reissuance by submitting a complete permit application, in accordance with Section 4.4 of this ordinance, a minimum of Ninety (90) days prior to the expiration of the User's existing individual or general wastewater discharge permit.

**5.7 Regulation of Waste Received from Other Jurisdictions and Sewer Users Outside The City Limits.**

- A. If another municipality, or User located within another municipality, contributes wastewater to the POTW, the City of Rock Springs shall enter into an inter-municipal agreement with the contributing municipality.
- B. Prior to entering into an agreement required by paragraph A, above, the Control Authority shall request the following information from the contributing municipality:
  1. A description of the quality and volume of wastewater discharged to the POTW by the contributing municipality;
  2. An inventory of all Users located within the contributing municipality that are discharging to the POTW; and

3. Such other information as the Control Authority may deem necessary.
- C. An inter-municipal agreement, as required by paragraph A, above, shall contain the following conditions:
  1. A requirement for the contributing municipality to adopt a sewer use ordinance which is at least as stringent as this ordinance and Local Limits, including required Baseline Monitoring Reports (BMRs) which are at least as stringent as those set out in Section 2.3 of this ordinance. The requirement shall specify that such ordinance and limits must be revised as necessary to reflect changes made to the City of Rock Spring's ordinance or Local Limits;
  2. A requirement for the contributing municipality to submit a revised User inventory on at least an annual basis;
  3. A provision specifying which pretreatment implementation activities, including individual or general wastewater discharge permit issuance, inspection and sampling, and enforcement, will be conducted by the contributing municipality; which of these activities will be conducted by the Control Authority; and which of these activities will be conducted jointly by the contributing municipality and the Control Authority;
  4. A requirement for the contributing municipality to provide the Control Authority with access to all information that the contributing municipality obtains as part of its pretreatment activities;
  5. Limits on the nature, quality, and volume of the contributing municipality's wastewater at the point where it discharges to the POTW;
  6. Requirements for monitoring the contributing municipality's discharge;
  7. A provision ensuring the Control Authority access to the facilities of Users located within the contributing municipality's jurisdictional boundaries for the purpose of inspection, sampling, and any other duties deemed necessary by the Control Authority; and
  8. A provision specifying remedies available for breach of the terms of the inter-municipal agreement.

## **SECTION 6—REPORTING REQUIREMENTS**

### **6.1 Baseline Monitoring Reports**

- A. Within either one hundred eighty (180) days after the effective date of a categorical Pretreatment Standard, or the final administrative decision on a category determination under 40 CFR 403.6 (a) (4), whichever is later, existing Categorical Industrial Users currently discharging to or scheduled to discharge to the POTW shall submit to the Control Authority a report which contains the information listed in paragraph B, below. At least ninety (90) days prior to commencement of their discharge, New Sources, and sources that become Categorical Industrial Users subsequent to the promulgation of an applicable categorical Standard, shall submit to the Control Authority a report which contains the information listed in paragraph B, below. A New Source shall report the method of pretreatment it intends to use to meet applicable categorical Standards. A New Source also shall give estimates of its anticipated flow and quantity of pollutants to be discharged.
- B. Users described above shall submit the information set forth below.
  1. All information required in Section 4 [40 CFR 403.12(b)(1)-(7)]
  2. Compliance Certification. A statement, reviewed by the User's Authorized Representative as defined in Section 1.5 C and certified by a qualified professional, indicating whether Pretreatment Standards are being met on a consistent basis, and, if

not, whether additional operation and maintenance (O&M) and/or additional pretreatment is required to meet the Pretreatment Standards and Requirements.

3. Compliance Schedule. If additional pretreatment and/or O&M will be required to meet the Pretreatment Standards, the shortest schedule by which the User will provide such additional pretreatment and/or O&M must be provided. The completion date in this schedule shall not be later than the compliance date established for the applicable Pretreatment Standard. A compliance schedule pursuant to this Section must meet the requirements set out in Section 6.2 of this ordinance.
4. Signature and Report Certification. All baseline monitoring reports must be certified in accordance with Section 6.14 A of this ordinance and signed by an Authorized Representative as defined in Section 1.5C.

**6.2 Compliance Schedule Progress Reports.** The following conditions shall apply to the compliance schedule required by Section 6.1(B) (4) of this ordinance.

- A. The schedule shall contain progress increments in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the User to meet the applicable Pretreatment Standards (such events include, but are not limited to, hiring an engineer, completing preliminary and final plans, executing contracts for major components, commencing and completing construction, and beginning and conducting routine operation);
- B. No increment referred to above shall exceed nine (9) months;
- C. The User shall submit a progress report to the Control Authority no later than fourteen (14) days following each date in the schedule and the final date of compliance including, as a minimum, whether or not it complied with the increment of progress, the reason for any delay, and, if appropriate, the steps being taken by the User to return to the established schedule; and
- D. In no event shall more than nine (9) months elapse between such progress reports to the Control Authority.

**6.3 Reports on Compliance with Categorical Pretreatment Standard Deadline.** Within ninety (90) days following the date for final compliance with applicable categorical Pretreatment Standards, or in the case of a New Source following commencement of the introduction of wastewater into the POTW, any User subject to such Pretreatment Standards and Requirements shall submit to the Control Authority a report containing the information described in Sections 4 and 6.1 of this ordinance. For Users subject to equivalent mass or concentration limits established in accordance with the procedures in Section 2.2 [40 CFR 403.6(c)], this report shall contain a reasonable measure of the User's long-term production rate. For all other Users subject to categorical Pretreatment Standards expressed in terms of allowable pollutant discharge per unit of production (or other measure of operation), this report shall include the User's actual production during the appropriate sampling period. All compliance reports must be signed and certified in accordance with Section 6.14 A of this ordinance. All sampling will be done in conformance with Section 6.11.

**6.4 Periodic Compliance Reports**

- A. Except as specified, all Significant Industrial Users and any other required users must, at a frequency determined by the Control Authority submit no less than twice per year (June and December, or on dates specified by the Control Authority) reports indicating the nature, concentration of pollutants in the discharge which are limited by Pretreatment Standards and the measured or estimated average and maximum daily flows for the reporting period. In cases where the Pretreatment Standard requires compliance with a Best Management Practice (BMP) or pollution prevention alternative, the User must

submit documentation required by the Control Authority or the Pretreatment Standard necessary to determine the compliance status of the User.

- B. The Control Authority may authorize an Industrial User subject to a categorical Pretreatment Standard to forego sampling of a pollutant regulated by a categorical Pretreatment Standard if the Industrial User has demonstrated through sampling and other technical factors that the pollutant is neither present nor expected to be present in the Discharge, or is present only at background levels from intake water and without any increase in the pollutant due to activities of the Industrial User. [40 CFR 403.12(e)(2)] This authorization is subject to the following conditions:
1. The waiver may be authorized where a pollutant is determined to be present solely due to sanitary wastewater discharged from the facility provided that the sanitary wastewater is not regulated by an applicable categorical Standard and otherwise includes no process wastewater.
  2. The monitoring waiver is valid only for the duration of the effective period of the Individual or General Wastewater Discharge permit, but in no case longer than 5 years. The User must submit a new request for the waiver before the waiver can be granted for each subsequent Individual or General Wastewater Discharge permit. See Section 4.5 A (8).
  3. In making a demonstration that a pollutant is not present, the Industrial User must provide data from at least one sampling of the facility's process wastewater prior to any treatment present at the facility that is representative of all wastewater from all processes.
  4. The request for a monitoring waiver must be signed in accordance with Section 1.5C, and include the certification statement in 6.14 A (40 CFR 403.6(a) (2) (ii)).
  5. Non-detectable sample results may be used only as a demonstration that a pollutant is not present if the EPA approved method from 40 CFR Part 136 with the lowest minimum detection level for that pollutant was used in the analysis.
  6. Any grant of the monitoring waiver by the Control Authority must be included as a condition in the User's permit. The reasons supporting the waiver and any information submitted by the User in its request for the waiver must be maintained by the Control Authority for 3 years after expiration of the waiver.
  7. Upon approval of the monitoring waiver and revision of the User's permit by the Control Authority, the Industrial User must certify on each report with the statement in Section 6.14 C below, that there has been no increase in the pollutant in its waste stream due to activities of the Industrial User.
  8. In the event that a waived pollutant is found to be present or is expected to be present because of changes that occur in the User's operations, the User must immediately: Comply with the monitoring requirements of Section 6.4 A or other more frequent monitoring requirements imposed by the Control Authority, and notify the Control Authority.
- C. All periodic compliance reports must be signed and certified in accordance with Section 6.14 B of this ordinance.
- D. All wastewater samples must be representative of the User's discharge. Wastewater monitoring and flow measurement facilities shall be properly operated, kept clean, and maintained in good working order at all times. The failure of a User to keep its monitoring facility in good working order shall not be grounds for the User to claim that sample results are unrepresentative of its discharge
- E. If a User subject to the reporting requirement in this section monitors any regulated pollutant at the appropriate sampling location more frequently than required by the Control Authority, using the procedures prescribed in Section 6.11 of this ordinance, the results of this monitoring shall be included in the report.



- F. All reports which have sampling or analysis reports attached shall include the Chain of Custody Form, Self-Monitoring Report (SMR) Certification, the required flow sheets and Lab Certification Statement.

**6.5 Reports of Changed Conditions.** Each User must notify the Control Authority of any significant changes to the User's operations or system which might alter the nature, quality, or volume of its wastewater at least Thirty (30) days before the change.

- A. The Control Authority may require the User to submit such information as may be deemed necessary to evaluate the changed condition, including the submission of a wastewater discharge permit application under Section 4.4 of this ordinance.
- B. The Control Authority may issue an Individual or General Wastewater Discharge permit under Section 5.6 of this ordinance or modify an existing wastewater discharge permit under Section 5.4 of this ordinance in response to changed conditions or anticipated changed conditions.

**6.6 Reports of Potential Problems**

- A. In the case of any discharge, including, but not limited to, accidental discharges, discharges of a non-routine, episodic nature, a non-customary batch discharge, a Slug Discharge or Slug Load, that might cause potential problems for the POTW, the User shall immediately telephone and notify the Control Authority 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 (5) days following such discharge, the User shall, unless waived by the Control Authority, 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 person or property; nor shall such notification relieve the User of any fines, penalties, or other liability which may be imposed pursuant to this ordinance.
- 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 paragraph A, above. Employers shall ensure that all employees, who could cause such a discharge to occur, are advised of the emergency notification procedure. Significant Industrial Users are required to notify the Control Authority immediately of any changes at its facility affecting the potential for a Slug Discharge.

**6.7 Reports from Unpermitted Users.** All Users not required to obtain an Individual or General Wastewater Discharge permit shall provide appropriate reports to the Control Authority as the Control Authority may require.

**6.8 Notice of Violation/Repeat Sampling and Reporting.** If sampling performed by a User indicates a violation, the User must notify the Control Authority within twenty-four (24) hours of becoming aware of the violation. The User shall also repeat the sampling and analysis and submit the results of the repeat analysis to the Control Authority within thirty (30) days after becoming aware of the violation. Re-sampling by the Industrial User is not required if the City of Rock Springs performs sampling at the User's facility at least once a month, or if the City of Rock Springs performs sampling at the User between the time when the initial sampling was conducted and the time when the User or the City of Rock Springs receives the results of this sampling, or if the City of Rock Springs has performed the sampling and analysis in lieu of the Industrial User.

### 6.9 Notification of the Discharge of Hazardous Waste

- A. Any Industrial User shall notify the City, in writing, of any discharge into the POTW or a substance which, if otherwise disposed of, would be hazardous waste under 40 CFR Part 261. Such notification to the City shall be made within the appropriate time frames specified in Section 6.6 of this Ordinance or within twenty-four (24) hours of becoming aware of the discharge, whichever is shorter. Such notification must include:
1. The name of the hazardous waste as set forth at 40 CFR Part 261;
  2. The EPA hazardous waste number;
  3. The type of discharge (continuous, batch, or other);
  4. An identification of the hazardous constituents contained in the wastes;
  5. An estimation of the mass and concentration of such constituents in the wastestream discharged during that calendar month;
  6. An estimation of the mass of the constituents in the wastestream expected to be discharged during the following twelve (12) months;
  7. Certification that the Industrial User has a program in place to reduce the volume and toxicity of hazardous wastes generated to the degree it has determined to be economically practical; and
  8. Signatory certification as required by Section 6.14 of this ordinance.
- B. Any Industrial User shall notify the EPA Regional Waste Management Division Manager, and state hazardous waste authorities, in writing, of the discharge into the POTW of a substance which, if otherwise disposed of, or, would be hazardous waste under 40 CFR Part 261 and meets the reporting criteria specified at 40 CFR Part 403.12(p). Notification to the State and EPA is the responsibility of the Industrial User and shall be made as required under 40 CFR Part 403.12(p). The Industrial User shall copy the City on all notifications made to the state and EPA.
- C. In the case of any new regulation under Section 3001 of the Resource Conservation and Recovery Act (RCRA) identifying additional characteristics of hazardous waste or listing any additional substances as hazardous waste, the Industrial User must notify the City, the EPA Regional Waste Management Waste Division Director, and state hazardous waste authorities of the discharge of such substance within ninety (90) days of the effective date of such regulations.
- D. This provision does not create a right to discharge any substance not otherwise allowed to be discharged by this ordinance, a permit issued hereunder, or any applicable federal or state laws.

**6.10 Analytical Requirements.** All pollutant analyses, including sampling techniques, to be submitted as part of a wastewater discharge permit application or report shall be performed in accordance with the techniques prescribed in 40 CFR Part 136 and amendments thereto, unless otherwise specified in an applicable categorical Pretreatment Standard. If 40 CFR Part 136 does not contain sampling or analytical techniques for the pollutant in question, or where the EPA determines that the Part 136 sampling and analytical techniques are inappropriate for the pollutant in question, sampling and analyses shall be performed by using validated analytical methods or any other applicable sampling and analytical procedures, including procedures suggested by the Control Authority or other parties approved by EPA.

- A. All wastewater samples must be representative of the user's discharge. Waste water monitoring and flow measurement facilities shall be properly operated, kept clean, and maintained in good working order at all times. The failure of a user to keep its monitoring facility in good working order shall not be grounds for the user to claim that sample results are unrepresentative of its discharge.

**6.11 Sample Collection.** Samples collected to satisfy reporting requirements must be based on data obtained through appropriate sampling and analysis performed during the period covered by the report, based on data that is representative of conditions occurring during the reporting period.

- A. Except as indicated in Section B and C below, the User must collect wastewater samples using 24-hour flow-proportional composite sampling techniques, unless time-proportional composite sampling or grab sampling is authorized by the Control Authority. Where time-proportional composite sampling or grab sampling is authorized by the City of Rock Springs, the samples must be representative of the discharge. Using protocols (including appropriate preservation) specified in 40 CFR Part 136 and appropriate EPA guidance, multiple grab samples collected during a 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 City of Rock Springs, as appropriate. In addition, grab samples may be required to show compliance with Instantaneous Limits.
- B. Samples for oil and grease, temperature, pH, cyanide, total phenols, sulfides, total petroleum hydrocarbons, and volatile organic compounds must be obtained using grab collection techniques.
- C. For sampling required in support of baseline monitoring and 90-day compliance reports required in Section 6.1 and 6.3 [40 CFR 403.12(b) and (d)], a minimum of four (4) grab samples must be used for pH, cyanide, total phenols, oil and grease, sulfide, total petroleum hydrocarbons, 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 paragraphs Section 6.4 (40 CFR 403.12(e) and 403.12(h)), the Industrial User is required to collect the number of grab samples necessary to assess and assure compliance by with applicable Pretreatment Standards and Requirements.

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

**6.13 Recordkeeping.** Users subject to the reporting requirements of this ordinance shall retain, and make available for inspection and copying, all records of information obtained pursuant to any monitoring activities required by this ordinance, any additional records of information obtained pursuant to monitoring activities undertaken by the User independent of such requirements, and documentation associated with Best Management Practices established under Section 2.3. Records shall include the date, exact place, method, and time of sampling, and the name of the person(s) taking the samples; the dates analyses were performed; who performed the analyses; the analytical techniques or methods used; and the results of such analyses. These records shall remain available for a period of at least three (3) years. This period shall be automatically extended for the duration of any litigation concerning the User or the City of Rock Springs, or where the User has been specifically notified of a longer retention period by the Control Authority.

**6.14 Certification Statements**

- A. Certification of Permit Applications, User Reports and Initial Monitoring Waiver — The following certification statement is required to be signed and submitted by Users submitting permits in accordance with Section 4; Users submitting baseline monitoring

reports, reports on compliance with the categorical Pretreatment Standard deadlines, and periodic compliance reports, under Section 6 (40 CFR 403.12). The following certification statement must be signed by an Authorized Representative as defined in Section 1.5 C:

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

**B. Certification of Pollutants Not Present**

Users that have an approved monitoring waiver based on Section 6.4 B must certify on each report with the following statement that there has been no increase in the pollutant in its waste stream due to activities of the User. [40 CFR 403.12(e) (2) (v)]

Based on my inquiry of the person or persons directly responsible for managing compliance with the Pretreatment Standard for 40 CFR \_\_\_\_\_ [specify applicable National Pretreatment Standard part(s)], I certify that, to the best of my knowledge and belief, there has been no increase in the level of \_\_\_\_\_ [list pollutant(s)] in the wastewaters due to the activities at the facility since filing of the last periodic report under Section 6.4.A.

## **SECTION 7—COMPLIANCE MONITORING**

**7.1 Right of Entry Inspection and Sampling.** The Control Authority shall have the right to enter the premises of any User to determine whether the User is complying with all requirements of this ordinance and any Individual or General Wastewater Discharge permit or order issued hereunder. Users shall allow the Control Authority ready access to all parts of the premises for the purposes of inspection, sampling, records examination and copying, and the performance of any additional duties.

- A. Where a User has security measures in force which require proper identification and clearance before entry into its premises, the User shall make necessary arrangements with its security guards so that, upon presentation of suitable identification, the Control Authority shall be permitted to enter without delay for the purposes of performing specific responsibilities.
- B. The Control Authority shall have the right to set up on the User's property, or require installation of, such devices as are necessary to conduct sampling and/or metering of the User's operations.
  1. The monitoring facilities should normally be situated on the User's premises, but the City may, when such a location would be impractical or cause undue hardship on the User, allow the facility to be constructed in the public street or sidewalk area and located so that, it will not be obstructed by landscaping or parked vehicles.
  2. Whether constructed on public or private property, the sampling and monitoring facilities shall be provided in accordance with the City's requirements and all applicable local construction standards and specifications. Construction shall be completed within 60 days following written notification by the City.

- C. The Control Authority may require the User to install monitoring equipment as necessary. The facility's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the User at its own expense. All devices used to measure wastewater flow and quality shall be calibrated every quarter to ensure their accuracy.
- D. Any temporary or permanent obstruction to safe and easy access to the facility to be inspected and/or sampled shall be promptly removed by the User at the written or verbal request of the Control Authority and shall not be replaced. The costs of clearing such access shall be paid by the User.
- E. The Control Authority may use Digital Photography during an inspection to document conditions found on a site and, or as evidence.
- F. Unreasonable delays in allowing the Control Authority access to the User's premises shall be a violation of this ordinance.

**7.2 Search Warrants.** If the Control Authority has been refused access to a building, structure, or property, or any part thereof, and is able to demonstrate probable cause to believe that there may be a violation of this ordinance, or that there is a need to inspect and/or sample as part of a routine inspection and sampling program of the City of Rock Springs designed to verify compliance with this ordinance or any permit or order issued hereunder, or to protect the overall public health, safety and welfare of the community, the Control Authority may seek issuance of a search warrant from the City of Rock Springs Court and or the District Court of Sweetwater County in the State of Wyoming.

## **SECTION 8—CONFIDENTIAL INFORMATION**

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

## **SECTION 9—PUBLICATION OF USERS IN SIGNIFICANT NONCOMPLIANCE**

**9.1 Annual Publication for Significant Non-Compliance.** The Control Authority shall publish annually, in a newspaper of general circulation that provides meaningful public notice within the jurisdictions served by the POTW, a list of the Users which, at any time during the previous twelve (12) months, were in Significant Noncompliance with applicable Pretreatment Standards and Requirements. The term Significant Noncompliance shall be applicable to all Significant Industrial Users (or any other Industrial User that violates paragraphs (C), (D) or (H) of this Section) and shall mean:

- A. Chronic violations of wastewater discharge limits, defined here as those in which sixty-six percent (66%) or more of all the measurements taken for the same pollutant parameter taken during a six (6) month period exceed (by any magnitude) a numeric Pretreatment Standard or Requirement, including Instantaneous Limits as defined in Section 2;
- B. Technical Review Criteria (TRC) violations, defined here as those in which thirty-three percent (33%) or more of wastewater measurements taken for each pollutant parameter during a six (6) month period equals or exceeds the product of the numeric Pretreatment Standard or Requirement including Instantaneous Limits, as defined by Section 2 multiplied by the applicable criteria (1.4 for BOD, TSS, fats, oils and grease, and 1.2 for all other pollutants except pH);
- C. Any other violation of a Pretreatment Standard or Requirement as defined by Section 2 (Daily Maximum, long-term average, Instantaneous Limit, or narrative standard) that the Control Authority 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;
- D. Any discharge of a pollutant that has caused imminent endangerment to the public or to the environment, or has resulted in the Control Authority's exercise of its emergency authority to halt or prevent such a discharge;
- E. Failure to meet, within ninety (90) days of the scheduled date, a compliance schedule milestone contained in an individual or general wastewater discharge permit or enforcement order for starting construction, completing construction, or attaining final compliance;
- F. Failure to provide within forty-five (45) days after the due date, any required reports, including baseline monitoring reports, reports on compliance with categorical Pretreatment Standard deadlines, periodic self-monitoring reports, and reports on compliance with compliance schedules;
- G. Failure to accurately report noncompliance; or
- H. Any other violation(s), which may include a violation of Best Management Practices, which the Control Authority determines will adversely affect the operation or implementation of the local pretreatment program.

## **SECTION 10—ADMINISTRATIVE ENFORCEMENT REMEDIES**

**10.1 Notification of Violation.** When the Control Authority finds that a User has violated, or continues to violate, any provision of this ordinance, an Individual or General Wastewater Discharge permit, or order issued hereunder, or any other Pretreatment Standard or Requirement, the Control Authority may serve upon that User a written Notice of Violation. Within Ten (10) days of the receipt of such notice, an explanation of the violation and a plan for the satisfactory correction and prevention thereof, to include specific required actions, shall be submitted by the User to the Control Authority. Submission of such a plan in no way relieves the User of liability for any violations occurring before or after receipt of the Notice of Violation. Nothing in this Section shall limit the authority of the Control Authority to take any action, including emergency actions or any other enforcement action, without first issuing a Notice of Violation.

**10.2 Consent Orders.** The Control Authority may enter into Consent Orders, assurances of compliance, or other similar documents establishing an agreement with any User responsible for noncompliance. Such documents shall include specific action to be taken by the User to correct the noncompliance within a time period specified by the document. Such documents shall have the same force and effect as the administrative orders issued pursuant to Sections 10.4 and 10.5 of this ordinance and shall be judicially enforceable.

**10.3 Show Cause Hearing.** The Control Authority may order a User which has violated, or continues to violate, any provision of this ordinance, an Individual or General Wastewater Discharge permit or order issued hereunder, or any other Pretreatment Standard or Requirement, to appear before the Control Authority and show cause why the proposed enforcement action should not be taken. Notice shall be served on the User specifying the time and place for the meeting, the proposed enforcement action, the reasons for such action, and a request that the User show cause why the proposed enforcement action should not be taken. The notice of the meeting shall be served personally or by registered or certified mail (return receipt requested) at least ten (10) days prior to the hearing. Such notice may be served on any Authorized Representative of the User as defined in Section 1.5 C and required by Section 4.5 A. A show cause hearing shall not be a bar against, or prerequisite for, taking any other action against the User.

**10.4 Compliance Orders.** When the Control Authority finds that a User has violated, or continues to violate, any provision of this ordinance, an Individual or General Wastewater Discharge permit, or order issued hereunder, or any other Pretreatment Standard or Requirement, the Water Reclamation Facility Superintendent may issue an order to the User responsible for the discharge directing that the User come into compliance within a specified time. If the User does not come into compliance within the time provided, sewer service may be discontinued unless adequate treatment facilities, devices, or other related appurtenances are installed and properly operated. Compliance orders also may contain other requirements to address the noncompliance, including additional self-monitoring and management practices designed to minimize the amount of pollutants discharged to the sewer. A compliance order may not extend the deadline for compliance established for a Pretreatment Standard or Requirement, nor does a compliance order relieve the User of liability for any violation, including any continuing violation. Issuance of a compliance order shall not be a bar against, or a prerequisite for, taking any other action against the User.

**10.5 Cease and Desist Orders.** When the Control Authority finds that a User has violated, or continues to violate, any provision of this ordinance, an individual or general wastewater discharge permit, or order issued hereunder, or any other Pretreatment Standard or Requirement, or that the User's past violations are likely to recur, the Control Authority may issue an order to the User directing it to cease and desist all such violations and directing the User to:

- A. Immediately comply with all requirements; and
- B. Take such appropriate remedial or preventive action as may be needed to properly address a continuing or threatened violation, including halting operations and/or terminating the discharge. Issuance of a cease and desist order shall not be a bar against, or a prerequisite for, taking any other action against the User.

**10.6 Administrative Fines**

- A. When the Control Authority finds that a User has violated, or continues to violate, any provision of this ordinance, an Individual or General Wastewater Discharge permit, or order issued hereunder, or any other Pretreatment Standard or Requirement, the Control Authority may fine such User in an amount not to exceed \$1000.00. Such fines shall be assessed on a per-violation, per-day basis. In the case of monthly or other long-term average discharge limits, fines shall be assessed for each day during the period of violation.
- B. Users desiring to dispute such fines must file a written request for the Control Authority to reconsider the fine along with full payment of the fine amount within Ten (10) days of

being notified of the fine. Where a request has merit, the Control Authority may convene a hearing on the matter. In the event the User's appeal is successful, the payment, together with any interest accruing thereto, shall be returned to the User. The Control Authority may add the costs of preparing administrative enforcement actions, such as notices and orders, to the fine.

- C. Issuance of an administrative fine shall not be a bar against, or a prerequisite for, taking any other action against the User.

**10.7 Emergency Suspensions.** The Control Authority may immediately suspend a User's discharge, after informal notice to the User, whenever such suspension is necessary to stop an actual or threatened discharge, which reasonably appears to present, or cause an imminent or substantial endangerment to the health or welfare of persons. The Control Authority may also immediately suspend a User's discharge, after notice and opportunity to respond, that threatens to interfere with the operation of the POTW, or which presents, or may present, an endangerment to the environment.

- A. Any User notified of a suspension of its discharge shall immediately stop or eliminate its contribution. In the event of a User's failure to immediately comply voluntarily with the suspension order, the Control Authority may take such steps as deemed necessary, including immediate severance of the sewer connection, to prevent or minimize damage to the POTW, its receiving stream, or endangerment to any individuals. The Control Authority may allow the User to recommence its discharge when the User has demonstrated to the satisfaction of the Control Authority that the period of endangerment has passed, unless the termination proceedings in Section 10.8 of this ordinance are initiated against the User.
- B. A User that is responsible, in whole or in part, for any discharge presenting imminent endangerment shall submit a detailed written statement, describing the causes of the harmful contribution and the measures taken to prevent any future occurrence, to the Control Authority prior to the date of any show cause or termination hearing under Sections 10.3 or 10.8 of this ordinance. Nothing in this Section shall be interpreted as requiring a hearing prior to any Emergency Suspension under this Section.

**10.8 Termination of Discharge.** In addition to the provisions in Section 5.5 of this ordinance, any User who violates the following conditions is subject to discharge termination:

- A. Violation of individual or general wastewater discharge permit conditions;
- B. Failure to accurately report the wastewater constituents and characteristics of its discharge;
- C. Failure to report significant changes in operations or wastewater volume, constituents, and characteristics prior to discharge;
- D. Refusal of reasonable access to the User's premises for the purpose of inspection, monitoring, or sampling; or

## **SECTION 11—JUDICIAL ENFORCEMENT REMEDIES**

**11.1 Injunctive Relief.** When the Control Authority finds that a User has violated, or continues to violate, any provision of this ordinance, an Individual or General Wastewater Discharge permit, or order issued hereunder, or any other Pretreatment Standard or Requirement, the Control Authority may petition the City of Rock Springs Court and or the District Court of Sweetwater County Court through the City Rock Spring's Attorney for the issuance of a temporary or permanent injunction, as appropriate, which restrains or compels the specific performance of the individual or general wastewater discharge permit, order, or other requirement imposed by this ordinance on activities of the User. The Water Reclamation



Facility Superintendent may also seek such other action as is appropriate for legal and/or equitable relief, including a requirement for the User to conduct environmental remediation. A petition for injunctive relief shall not be a bar against, or a prerequisite for, taking any other action against a User.

### **11.2 Civil Penalties**

- A. A User who has violated, or continues to violate, any provision of this ordinance, an Individual or General Wastewater Discharge permit, or order issued hereunder, or any other Pretreatment Standard or Requirement shall be liable to the City of Rock Springs for a civil penalty.
  - 1. The amount of such civil penalty may be levied regardless of the amount of damage.
  - 2. The amount of such penalty shall not exceed One Thousand Dollars (\$ 1,000.00) nor exceed the maximum amount established under Wyoming law for such civil penalty, or in the absence of any provision for such civil penalty, may not exceed the maximum imposed under Wyoming law.
  - 3. In the case of a monthly or other long-term average discharge limit, penalties shall accrue for each day during the period of the violation.
  - 4. Each day upon which a violation occurs or continues shall constitute a separate violation. Such penalties may be recovered by judicial actions and/or, to the extent permissible under Wyoming law, by administrative procedures.
  - 5. This remedy is cumulative, and recourse thereto shall not limit recourse to the criminal provisions of this Ordinance or any other remedy provided by law.
- B. The Control Authority may recover reasonable attorneys' fees, court costs, and other expenses associated with enforcement activities, including sampling and monitoring expenses, and the cost of any actual damages incurred by the City of Rock Springs.
- C. In determining the amount of civil liability, the Court shall take into account all relevant circumstances, including, but not limited to, the extent of harm caused by the violation, the magnitude and duration of the violation, any economic benefit gained through the User's violation, corrective actions by the User, the compliance history of the User, and any other factor as justice requires.
- D. Filing a suit for civil penalties shall not be a bar against, or a prerequisite for, taking any other action against a User.

### **11.3 Criminal Prosecution**

- A. A User who willfully or negligently violates any provision of this ordinance, an Individual or General Wastewater Discharge permit, or order issued hereunder, or any other Pretreatment Standard or Requirement shall, upon conviction, be guilty of a misdemeanor, punishable by a fine of not more than \$1000.00 maximum fine allowed under State law per violation, per day, or imprisonment for not more than one (1) years, or both.
- B. A User who willfully or negligently introduces any substance into the POTW which causes personal injury or property damage shall, upon conviction, be guilty of a misdemeanor and be subject to a penalty of up to a \$1000.00 maximum fine allowable under State law per violation, per day, or be subject to imprisonment for not more than one (1) years, or both. This penalty shall be in addition to any other cause of action for personal injury or property damage available under State law.
- C. A User who knowingly makes any false statements, representations, or certifications in any application, record, report, plan, or other documentation filed, or required to be maintained, pursuant to this ordinance, Individual or General Wastewater Discharge permit, or order issued hereunder, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under this ordinance shall, upon

conviction, be punished by a fine of not more than \$10,000.00 per violation, per day, or imprisonment for not more than two (2) years, or both.

- D. In the event of a second conviction, a User shall be punished by a fine of not more than \$10,000.00 per violation, per day, or imprisonment for not more than two (2) years, or both.
- E. **Falsifying Information.** Explanation of Falsifying Information, Requirements and Enforcement Actions: Any person who knowingly makes any false statements, representation or certification in any application, record, report, plan or other document filed or required to be maintained pursuant to this Ordinance, or by any permit, rule, or order issued under it, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required to be maintained by this Chapter shall be punished by a fine not exceeding \$10,000 or by imprisonment for not more than six months, or by both.

**11.4 Remedies Nonexclusive.** The remedies provided for in this ordinance are not exclusive. The Control Authority may take any, all, or any combination of these actions against a noncompliant User. Enforcement of pretreatment violations will generally be in accordance with the City of Rock Springs's enforcement response plan (ERP). However, the Control Authority may take other action against any User when the circumstances warrant. Further, the Control Authority is empowered to take more than one enforcement action against any noncompliant User.

## **SECTION 12—SUPPLEMENTAL ENFORCEMENT ACTION**

**12.1 Payment of Outstanding Fees and Penalties.** The Control Authority may decline to issue or reissue an Individual or General Wastewater Discharge permit to any User who has failed to pay any outstanding fees, fines or penalties incurred as a result of any provision of this ordinance, a previous Individual or General Wastewater Discharge permit, or order issued hereunder.

**12.2 Water Supply Severance.** Whenever a User has violated or continues to violate any provision of this ordinance, an Individual or General Wastewater Discharge permit, or order issued hereunder, or any other Pretreatment Standard or Requirement, water service to the User may be severed. Service will recommence, at the User's expense, only after the User has satisfactorily demonstrated its ability to comply.

**12.3 Public Nuisances.** A violation of any provision of this ordinance, an Individual or General Wastewater Discharge permit, or order issued hereunder, or any other Pretreatment Standard or Requirement is hereby declared a public nuisance and shall be corrected or abated as directed by the Control Authority. Any person(s) creating a public nuisance shall be subject to the provisions of the City of Rock Springs Ordinances governing such nuisances, including reimbursing the City of Rock Springs for any costs incurred in removing, abating, or remedying said nuisance.

## **SECTION 13—AFFIRMATIVE DEFENSES TO DISCHARGE VIOLATIONS**

### **13.1 Upset**

- A. For the purposes of this Section, upset means an exceptional incident in which there is unintentional and temporary noncompliance with categorical Pretreatment Standards

- because of factors beyond the reasonable control of the 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. An upset shall constitute an affirmative defense to an action brought for noncompliance with categorical Pretreatment Standards if the requirements of paragraph (C), below, are met.
  - C. A User who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:
    - 1. An upset occurred and the User can identify the cause(s) of the upset;
    - 2. The facility was at the time being operated in a prudent and workman-like manner and in compliance with applicable operation and maintenance procedures; and
    - 3. The User has submitted the following information to Control Authority within twenty-four (24) hours of becoming aware of the upset [if this information is provided orally, a written submission must be provided within five (5) days]:
      - a. A description of the indirect discharge and cause of noncompliance;
      - b. The period of noncompliance, including exact dates and times or, if not corrected, the anticipated time the noncompliance is expected to continue; and
      - c. Steps being taken and/or planned to reduce, eliminate, and prevent recurrence of the noncompliance.
  - D. In any enforcement proceeding, the User seeking to establish the occurrence of an upset shall have the burden of proof.
  - E. Users shall have the opportunity for a judicial determination on any claim of upset only in an enforcement action brought for noncompliance with categorical Pretreatment Standards.
  - F. Users shall control production of all discharges to the extent necessary to maintain compliance with categorical Pretreatment Standards upon reduction, loss, or failure of its treatment facility until the facility is restored or an alternative method of treatment is provided. This requirement applies in the situation where, among other things, the primary source of power of the treatment facility is reduced, lost, or fails.

**13.2 Prohibited Discharge Standards.** User shall have an affirmative defense to an enforcement action brought against it for noncompliance with the general prohibitions or the specific prohibitions in Section 2.1 of this ordinance if it can prove that it did not know, or have reason to know, that its discharge, alone or in conjunction with discharges from other sources, would cause Pass Through or Interference and that either:

- A. A Local Limit exists for each pollutant discharged and the User was in compliance with each limit directly prior to, and during, the Pass Through or Interference; or
- B. No Local Limit exists, but the discharge did not change substantially in nature or constituents from the User's prior discharge when the City of Rock Springs was regularly in compliance with its NPDES permit, and in the case of Interference, was in compliance with applicable sludge use or disposal requirements.

### 13.3 Bypass

- A. For the purposes of this Section,
  - 1. Bypass means the intentional diversion of waste streams from any portion of a User's treatment facility.
  - 2. Severe property damage means substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the

absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.

- B. A User may allow any bypass to occur which does not cause Pretreatment Standards or Requirements to be violated, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provision of paragraphs (C) and (D) of this Section.
- C. Bypass Notifications
  - 1. If a User knows in advance of the need for a bypass, it shall submit prior notice to the Control Authority, at least ten (10) days before the date of the bypass, if possible.
  - 2. A User shall submit oral notice to the Water Reclamation Facility Superintendent of an unanticipated bypass that exceeds applicable Pretreatment Standards within twenty-four (24) hours from the time it becomes aware of the bypass. A written submission shall also be provided within five (5) days of the time the User becomes aware of the bypass. The written submission shall contain a description of the bypass and its cause; the duration of the bypass, including exact dates and times, and, if the bypass has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the bypass. Control Authority may waive the written report on a case-by-case basis if the oral report has been received within twenty-four (24) hours.
- D. Bypass Prohibited
  - 1. Bypass is prohibited, and the Control Authority may take an enforcement action against a User for a bypass, unless
    - a. Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;
    - b. There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and
    - c. The User submitted notices as required under paragraph (C) of this section.
  - 2. The Control Authority may approve an anticipated bypass, after considering its adverse effects, if the Control Authority determines that it will meet the three conditions listed in paragraph (D)(1) of this Section.

## **SECTION 14— ENFORCEMENT RESPONSE PLAN:**

### **14.1 Enforcement Response Plan Contents**

- A. Pursuant to 40 CFR 403.8(f)5(vii), the City of Rock Springs has developed and implemented an enforcement response plan containing detailed procedures on how the City's POTW will investigate and respond to instances of commercial or industrial user non-compliance/violations. The plan provides for:
  - 1. A description of how the POTW will investigate instances of non-compliance.
  - 2. A description of the types of escalating enforcement responses the POTW will take in response to all anticipated types of industrial use violations and the time periods within which the responses will take place.
  - 3. Identify by title of the official(s) responsible for each type of response.
  - 4. Adequately reflect the POTW's primary responsibility to enforce all applicable pretreatment requirements and standards.

**14.2 Enforcement Response Plan Actions.** As part of the City's enforcement response plan, the City may suspend the water service and/or wastewater treatment service and/or Wastewater Contribution Permit when such suspension is necessary, in the opinion of the City, in order to stop an imminent or substantial endangerment to the health or welfare of the person (s), to the environment, causes Interference to the POTW or causes the City to violate any condition of its NPDES Permit.

## **SECTION 15—MISCELLANEOUS PROVISIONS**

- 15.1 Pretreatment Charges and Fees.** The City of Rock Springs may adopt reasonable fees for reimbursement of costs of setting up and operating the City of Rock Spring's Pretreatment Program, which may include:
- A. Fees for wastewater discharge permit applications including the cost of processing such applications;
  - B. Fees for monitoring, inspection, and surveillance procedures including the cost of collection and analyzing a User's discharge, and reviewing monitoring reports and certification statements submitted by Users;
  - C. Fees for reviewing and responding to accidental discharge procedures and construction;
  - D. Fees for filing appeals;
  - E. Fees to recover administrative and legal costs (not included in Section 15.1 B) associated with the enforcement activity taken by the Control Authority to address IU noncompliance; and
  - F. Other fees as the City of Rock Springs may deem necessary to carry out the requirements contained herein. These fees relate solely to the matters covered by this ordinance and are separate from all other fees, fines, and penalties chargeable by the City of Rock Springs.
  - G. All charges and/or fees shall be paid by the Industrial User named in this permit within 30 days of billing. Failure to do so will be considered a violation of this permit.
  - H. The Industrial User shall pay a permit fee at time of permit issue, previously paid prior to revision. Costs associated with cleanup, or reparation for damage, shall be the Industrial Users responsibility.
  - I. Higher Permit fees may be applied for continued non-compliance.
  - J. Recovery of Costs Incurred By the City. Any Discharger violating any of the provisions of this Ordinance who discharges or causes a discharge producing a deposit or obstruction or causes damage to or impairs the City's wastewater disposal system shall be liable to the City for any expense, loss, or damage caused by such violation of discharge. The City shall order, bill the Discharger for the cost incurred by the City for any cleaning, repair, or replacement work caused by the violation or discharge. Refusal to pay the assessed costs shall constitute a violation of this Ordinance, enforceable as herein provided.

**15.2 Severability.** If any provision of this ordinance is invalidated by any court of competent jurisdiction, the remaining provisions shall not be affected and shall continue in full force and effect.

## **SECTION 16—EFFECTIVE DATE**

This ordinance shall take effect immediately after it has been posted or published as required by law.

(Ord. 2013-15, 10-1-13; Amended Ordinance 2015-02, 4/7/15)