

**145 - ORDINANCE NO. 2007 - 01**

**AN ORDINANCE AMENDING PORTIONS OF SECTION 6 OF THE TOWN OF ALPINE MUNICIPAL CODE CONCERNING DISCHARGE AND CONNECTION REQUIREMENTS TO THE WASTEWATER SYSTEM AND PROVIDING FOR AN EFFECTIVE DATE**

**BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF ALPINE, WYOMING IN REGULAR SESSION DULY ASSEMBLED THAT:**

**Section 1. Penalties.**

(a) Any user who is found to have violated an order of the Town Council or who has not taken action within its means to comply with any provision of this ordinance and the orders, rules, and regulations issued hereunder, may be subject to injunctive relief through the district court and may be fined not less than one hundred dollars (\$100) nor more than seven hundred fifty dollars (\$750) plus costs through the Town of Alpine Municipal Court for each offense. Any industrial user who is found to have violated an order of the governing body or who has not taken action within its means to comply with any provision of the ordinance and the orders, rules and regulations issued hereunder, may be subject to injunctive relief and fined through the district court not less than one thousand dollars (\$1000.00) nor more than ten thousand dollars (\$10,000.00) a day for each day of violation. The proceeds of any civil penalty imposed by the district court under this ordinance shall be deposited in the general fund of the Town of Alpine in accordance with section 15-1-103 (a)(xlvi) of the Wyoming State Statutes.

(b) Any user violating any discharge limitation of this ordinance or who has a discharge which causes a deposit, obstruction, damage, or other impairment to the Town's wastewater disposal system shall be liable to the Town for any expense, loss or damage caused by the violation or discharge. The Town may add to the user's charges and fees the costs assessed for any cleaning, repair, or replacement work caused by the violation or discharge. Any refusal to pay the assessed costs shall constitute a violation of this ordinance.

(c) Any industrial user or representative or employee thereof 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 wastewater discharge permit, or who falsifies, tampers with, or knowingly renders inaccurate a monitoring device or method required under this ordinance, may, upon conviction, have its permit revoked by the Town.

**Section 2. Definitions.**

Unless the context specifically indicates otherwise, the following terms, as used in the ordinance, shall have the meanings hereinafter designated:

*Act:* The Federal Water Pollution Control Act also known as the Clean Water Act, as amended, 33 U.S.C. 1251, et seq.

*Biochemical Oxygen Demand (BOD 5):* The quantity of oxygen utilized in the biochemical oxidation of organic matter according to the latest edition of “Standard Methods for the Examination of Water and Wastewater” expressed in terms of weight and concentration (milligrams per liter (mg/l)).

*Collection Agent:* Any public utility, financial institution, or other appropriate firm with which the Town contracts for providing collection services.

*Cooling water:* The water discharged from any use such as air conditioning, cooling, or refrigeration or during which the only pollutant added to the water is heat.

*Connection fees:* Fees imposed by the Town on persons connecting sewer lines onto the Town’s sewage collection system.

*Dwelling:* Any building or structure or portion thereof designed or used as the more or less permanent residence or sleeping place of one or more persons or families, but not including a tent, recreational coach, hotel, motel, hospital or nursing home.

*Dwelling unit:* One or more rooms in a dwelling designed for or occupied by one family for living or sleeping purposes and having one but not more than one kitchen or set of fixed cooking facilities, other than hot plates or other portable cooking units.

*Family:* An individual, or two (2) or more persons related by blood, marriage, or adoption, or a group of not more than four (4) persons who are not related, living in a dwelling unit as a single housekeeping unit and using common cooking facilities.

*Industrial user:* A person who discharges to the Town’s wastewater disposal system wastes resulting from the processes employed in industrial, manufacturing, trade, or business establishments, or from the development of any natural resource.

*Liquid waste:* All non-hazardous wastes that are mostly water containing no more than twenty-five (25) percent treatable contaminant not directly discharged to the sanitary sewer system.

*Liquid waste hauler:* Any person, corporation, residence, commercial establishment, industry, or institution that engages in the activity of transporting liquid waste from a source and/or generator to a point of final disposal.

*Liquid waste disposal coupon:* A document identifying the source, contents, and conditions for disposal of a liquid waste.

*May*: May means permissive.

*Multifamily dwelling*: A building or group of buildings located upon a lot or group of adjoining lots having common ownership, designed for occupancy by two (2) or more families such as duplexes, triplexes, or multiplex apartments.

*National pollutant discharge elimination system (NPDES) permit*: Any permit or requirements issued by the Wyoming Department of Environmental Quality (DEQ) pursuant to the Federal Water Pollution Control Act, as amended (33 U.S.C. 1251, et seq.) for the purpose of regulating the discharge of sewage, industrial wastes, or other wastes under the authority of section 402 of the Act.

*Nonresidential building or structure*: A building or structure or group of buildings or structures, located upon a lot or group of adjoining lots having common ownership, designed for any commercial purpose other than multiple-family dwellings.

*Nonresidential user*: Any user of the sewage system of the Town located on property or in structures not classified as residential users.

*Off-site sewer*: Any sewer constructed outside the boundaries of the property owned and being developed by a developer, builder and landowner.

*On-site sewer*: Any sewer within the boundary of the property, owned and being developed by a developer, builder or landowner. For the purpose of this ordinance, property owned includes that property dedicated for streets and easements by the developer, builder or landowner.

*Person*: The state or any agency or institution thereof, any municipality, governmental subdivision, public or private corporation, individual, partnership, or other entity, including but not limited to, association, commission, or any interstate body, and including any officer or governing or managing body of any municipality, governmental subdivision, or public or private corporation, or other entity.

*pH*: The logarithm of the reciprocal of the concentration of hydrogen ions in grams per liter of solution.

*POTW*: Publicly-owned treatment works.

*Pretreatment*: The process of reducing the amount of pollutants, eliminating pollutants, or altering the nature of pollutant properties in wastewater to a less harmful state prior to or in lieu of discharging or otherwise introducing such pollutants into the Town's wastewater disposal system. The reduction, elimination, or alteration may be obtained by physical, chemical, or biological processes, process changes, or other means.

*Septage:* The liquid waste which originates from a septic tank/leach field system. Typical waste strength will range from two thousand (2,000) mg/l to ten thousand (10,000) mg/l BOD 5 and TSS.

*Sewage:* The waste matter carried off by sanitary sewers provided such waste matter shall not include any deliberate introduction of groundwater or storm drainage water.

*Sewage (sewerage) system:* The network of sewer mains within the Town which collects sewage from its various points of disposition. Unless otherwise specifically approved by the governing body, these sewer mains shall be owned and maintained by the Town.

*Sewer:* An underground pipe used to carry off sewage.

*Sewer specifications:* Specifications adopted by the governing body, as may be amended from time to time.

*Shall:* Shall means mandatory.

*Significant industrial user:* Any industrial user of the Town's wastewater disposal system which:

- (1) has a discharge flow of twenty-five thousand (25,000) gallons or more per average work day, or
- (2) has in its wastes toxic pollutants as defined pursuant to section 307 of the Act or Wyoming Statutes and Rules, or
- (3) has a significant impact, as determined solely by the Town, either singly or in combination with other contributing industries, on the wastewater disposal system, the quality of sludge, the system's effluent quality, or air emissions generated by the system.

*Single-family dwelling:* A building located upon a separate lot, designed for occupancy by one family for living purposes. Single-family dwellings shall include a mobile home located upon a lot in a mobile home subdivision, on a plotted lot, or in a mobile home court.

*State:* State of Wyoming

*State disposal system permit:* Any permit (including any terms, conditions, and requirements thereof), issued by the State of Wyoming or the Wyoming Department of Environmental Quality.

*Storm water:* Any flow occurring during or following any form of natural precipitation and resulting therefrom.

*Superintendent:* The Superintendent of the Wastewater System of the Town or his/her duly authorized representative.

*Total suspended solids (TSS):* The total suspended matter that floats on the surface of, or is suspended in water, wastewater, or other liquids, and which is removable by a standard glass fiber filter.

*Town:* The Town of Alpine, Wyoming.

*User:* Any person who discharges, causes, or permits the discharge of wastewater into the Town's wastewater disposal system.

*Vault:* The liquid waste which is stored in holding tanks with no leach field. Typical waste strength will range from five hundred (500) mg/l to two thousand (2,000) mg/l, BOD 5, and TSS.

*Wastewater:* The liquid and water-carried industrial or domestic wastes from dwellings, commercial buildings, industrial facilities, and institutions, not including groundwater.

*Wastewater disposal system or "system":* Any devices, facilities, structural, equipment, or works owned or used by the Town for the purpose of the transmission, storage, treatment, recycling, and reclamation of industrial and domestic wastewater or necessary to recycle or reuse water, including intercepting sewers, outfall sewers, sewage collection system, pumping power, and other equipment and their appurtenances; extensions, improvements, remodeling, additions, and alterations thereof; elements essential to provide a reliable recycled water supply such as standby treatment units and clear well facilities; and any works, including land that will be an integral part of the treatment process or is used for ultimate disposal of residues resulting from such treatment.

*Waters of the state:* all streams, lakes, ponds, marshes, watercourses, waterways, wells, springs, reservoirs, aquifers, irrigation systems, drainage systems, and all other bodies or accumulations of water, surface or underground, natural or artificial, public or private, which are contained within, flow through, or border upon the state of any portion thereof.

### **Section 3. Private sewage disposal; connection to public system when available.**

(a) At such time as the public sewer system becomes reasonably available to any property within the Town, no **new** onsite private sewer disposal facilities (septic tanks and leachfields) will be permitted. Owners of any **new** building or structure which generates sewage will be required to connect to the public sewer in compliance with Town ordinances, including payment of fees. "Reasonably available" shall be determined by the Town Council on a case by case basis. The Council may require any

person to extend an existing mainline public sewer to an unsewered area as a condition for a development or building permit of any type. Such mainline extension shall be designed by a licensed professional civil engineer to Town standards and the design shall be approved by the Town and the Wyoming Department of Environmental Quality prior to installation. Upon completion of the sewer line construction in a manner satisfactory to the Town, the extension shall be dedicated to public use up to that point where the extension enters private property, assigned to the Town at no charge to the Town, and shall become a part of the Town's public sewage collection system. After the effective date of this ordinance, no **new** onsite private sewer disposal facility shall be constructed without the consent of, and under conditions established by, the governing body. **New** onsite private sewer disposal facilities, if authorized, shall be of the type, location, and layout complying with all recommendations and requirements of any pertinent local, state or federal laws or regulation.

(b) At such time as a public sewer system becomes reasonably available to any property within the Town, all **existing** buildings and structures which generate sewage and which utilize an onsite private sewer disposal facility (septic tank and leachfield), shall be connected to the public sewer within 120 days after official notice to the landowner from the Town to do so, in full compliance with all Town ordinances, including payment of fees. Any remaining septic tanks, vaults, and similar private sewage disposal facilities shall be abandoned and filled with suitable materials or removed and disposed of according to all applicable local, state, or federal laws or regulations. The Town encourages, but will not require, owners of **existing** private sewer disposal facilities in good working order with valid permits issued in or later than 1993 to connect to the public sewage system until the owner's private sewer disposal system fails to operate effectively or reaches an age of fifteen (15) years from the date of permit, whichever occurs first. At such time the Town shall order connection to the public sewer system. After the effective date of this ordinance, no **existing** onsite private sewer disposal facility shall be replaced, re-constructed, or rehabilitated, in part or as a whole, if a public sewer is available for connection. Pumping of septic tanks is not considered as replacement, reconstruction or rehabilitation. Under this paragraph, a public sewer is considered to be available if the sewer is adjacent and accessible to the front, side or rear of any property.

(c) The owner of private sewage disposal facilities shall operate and maintain the same in a sanitary manner at all times, at no expense to the Town.

(d) No statement contained in this section shall be construed to interfere with any additional requirements that may be imposed by any local, state or federal health agency.

#### **Section 4. Duty to make sewer connections before paving.**

Before any street or alley in which a sewer line is laid shall be paved or hard-surfaced, the owners of all lots abutting thereon shall make proper sewage connection

with such sewer, whether the immediate use thereof is required or not. Until used, such connecting sewer lines shall be supplied with a proper covering or cap sufficient to prevent the escape of sewer gas.

### **Section 5. Existing agreements.**

This ordinance shall not affect any existing agreement between the Town and third parties regarding sewer service, extension line agreements, sewer connection agreements, etc. The adoption of this ordinance shall not be considered a ratification or approval of any existing contract or agreement.

### **Section 6. General discharge prohibitions.**

- (a) No person shall discharge or cause to be discharged any stormwater, surface drainage, groundwater, heat pump cooling water, or unpolluted industrial process waters to any sanitary sewer.
- (b) No person shall make connection of roof downspouts, sump pumps, exterior foundation drains, areaway 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 sanitary sewer.
- (c) No person shall discharge or cause to be discharged, directly or indirectly, any of the substances described in Exhibit A attached hereto as it may be amended from time to time into the wastewater disposal system or to any public sewer.
- (d) Federal pretreatment standards promulgated by the United States Environmental Protection Agency (EPA) pursuant to the Act shall be met by all users which are subject to such standards in any instance where they are more stringent than the limitations in this ordinance. Categorical standards and any limitations or standards which the federal government has established or may establish in the future shall be adhered with.
- (e) State requirements and limitations on discharges shall be met by all users which are subject to such standards in any instance in which they are more stringent than federal requirements and limitations or those in this ordinance.
- (f) The Town reserves the right to establish by ordinance more stringent limitations or requirements on discharges to the wastewater disposal system if deemed necessary to comply with the objectives presented in this ordinance. The user shall be notified of any proposed changes at least sixty (60) days before establishment of a change in this ordinance.

(g) No user shall increase the use of process water or, in any way, attempt to dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance with the limitations contained herein, contained in the federal pretreatment standards, or contained in any state requirements.

(h) Each user shall provide protection from accidental discharge of prohibited materials or other substances regulated by this ordinance. Where necessary, facilities to prevent accidental discharge of prohibited materials shall be provided and maintained at the owner or user's own cost and expense. Detailed plans showing facilities and operating procedures to provide this protection shall be submitted to the Superintendent for review, and shall be approved by the Superintendent before construction of the facility. Review and approval of such plans and operating procedures shall not relieve the industrial user from the responsibility to modify the user's facility as necessary to meet the requirements of this ordinance.

#### **Section 7. Testing of wastewater and monitoring facilities.**

- (a) Any Town official or Town employee, bearing proper credentials and identification, shall be permitted to enter upon any and all premises at all reasonable times for the purpose of inspection, observation, measurement, sampling, and testing of sewage waste in accordance with the provisions of this ordinance; and it is unlawful for any person to interfere with any such officer or employee while so engaged. The Superintendent or his designee shall have the right to set up on the users property such devices as are necessary to conduct sampling, inspection, compliance monitoring, and/or metering operations. Where a user has security measures in force which would require proper identification and clearance before entry into their premises, the user shall make the necessary arrangements with any security guards so that upon presentation of suitable identification, the Superintendent or his designee will be permitted to enter, without delay, for the purposes of performing specific responsibilities.
- (b) Monitoring facilities to allow inspection, sampling, and flow measurement of the building sewer and/or internal drainage systems shall be provided and operated by all significant industrial users. The monitoring facility should normally be situated on the user's premises, but the Superintendent 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 it will not be obstructed by landscaping or parked vehicles. There shall be ample room in or near such sampling manhole or facility to allow accurate sampling and compositing of samples for analysis. The facility, sampling, and measuring equipment shall be maintained at all times in a safe and proper operating condition at the expense of the user. Whether constructed on public or private property, the sampling and monitoring facilities shall be provided in accordance with the Town's requirements and

all applicable local construction standards and specifications. Construction shall be completed within ninety (90) days following written notification by the Superintendent, unless a time extension is otherwise granted by the governing body.

### **Section 8. Pretreatment Equipment.**

Pretreatment equipment shall be new and properly sized for the intended use. Equipment shall be purchased and maintained by the user. Equipment shall be selected utilizing the best available technology for the intended use. Grease interceptors shall meet all requirements of Standard PDI-G101 established by the Plumbing and Drainage Institute.

### **Section 9. Plans and specifications.**

(a) A developer or builder who wishes to install sewers in an unsewered area or to install a main sewer extension to an unsewered area must employ a civil engineer registered in the state to perform the field engineering and prepare detailed plans and specifications for the sewers. The final detailed plans and specifications for all such sewers must be approved by the Town and the Wyoming Department of Environmental Quality, Water Quality Division before construction begins. All on-site sewers in a subdivision or other development shall be constructed and paid for by the developer, and dedicated to the Town for public use at no charge to the Town.

### **Section 10. Participation in facility expansion.**

(a) Where it is determined by the Town that a particular development produces an extraordinary amount of sewage which places a financial hardship on the Town, the governing body may require direct participation in the expansion of the collection system and/or sewage treatment facilities. This participation shall be evidenced by a written contract between the developer and the Town.

(b) All significant industrial users shall be required to participate in the expansion of sewage treatment facilities, based on the proportion of flow and/or organic loading. This participation shall be evidenced by a written contract between the significant industrial user and the Town.

### **Section 11. Administration of industrial user permits.**

(a) The Town may require that any significant industrial user discharging or proposing to discharge wastewater to the wastewater disposal system file a periodic self-monitoring discharge report. The discharge report shall contain but not be limited to: daily and monthly flow rates, pH, BOD5, total suspended solids, oil and grease, and

frequency of analysis. Such reports may also include the chemical constituents and quantity of liquid or gaseous materials stored on site, even though they may not normally be discharged. A summary of such data indicating each industrial user's compliance with this ordinance shall be prepared monthly and submitted to the Town public works Superintendent. In addition to discharge reports, the Town may require information in the form of wastewater discharge permit applications and compliance schedules.

(b) All significant industrial users proposing to connect or to commence a new discharge to the wastewater disposal system shall obtain a wastewater discharge permit before connecting to or discharging into the wastewater system. All existing significant industrial users or industrial users subject to categorical standards, or other federal pretreatment standards under section 307 (b) and (c) of the Act, connected to or discharging into the wastewater disposal system shall obtain a wastewater discharge permit within ninety (90) days after the effective date of this ordinance.

(c) Users required to obtain a wastewater discharge permit shall complete and file with the Superintendent, an application in the form prescribed by the Superintendent and accompanied by a fee of fifty dollars (\$50.00). Significant industrial users shall apply for a wastewater discharge permit within thirty (30) days after the effective date of this ordinance, and proposed new users shall apply at least ninety (90) days prior to connecting or discharging to the wastewater disposal system. In support of the application, the user shall submit, in units and terms appropriate for evaluation, the following information:

- (1) Name, address, and location (if different from address).
- (2) SIC number according to the Standard Industrial Classification manual, Bureau of the Budget, 1972, as amended.
- (3) Wastewater constituents and characteristics including, but not limited to those governed by section 25-20 of this ordinance as determined by reliable analytical laboratory; sampling and analysis shall be performed in accordance with procedures established in the latest edition of "Standard Methods for the Examination of Water and Wastewater" published by the American Public Health Association.
- (4) Time and duration discharge.
- (5) Average daily wastewater flow rates, including daily, monthly, and seasonal variations, if any.
- (6) Site plans, floor plans, mechanical and plumbing plans and details to show all sewers, sewer connections, and appurtenances by the size, location, and elevation; if available on existing facilities.
- (7) Description of activities, facilities, and plant processes on the premises including all materials which are or could be discharged.
- (8) Where known, the nature and concentration of any pollutants in the discharge which are limited by any Town, state, or federal pretreatment standards, and (for existing discharge) a statement regarding whether or not the pretreatment standards are being met on a

consistent basis and if not, whether additional pretreatment is required for the user to meet applicable pretreatment standards.

- (9) Any other information as may be deemed by the Superintendent to be necessary to evaluate the permit application. The Superintendent will evaluate the data furnished by the user and may require additional information. After evaluation and acceptance of the data furnished, the Town may issue a wastewater discharge permit subject to terms and conditions provided herein.

(d) Wastewater discharge permits shall be expressly subject to all provisions of this ordinance and all other applicable regulations, user charges, and fees established by the Town.

(1) Permits shall contain the following:

- i. Limits on the average and maximum wastewater constituents and characteristics.
- ii. Specifications for monitoring programs which may include sampling locations, frequency and method of sampling, number, types and standards for tests and reporting schedule.
- iii. Requirements for submission of technical reports or discharge reports.
- iv. Requirements for notification to the Superintendent of any new introduction of wastewater constituents or any substantial change in the volume or character of the wastewater constituents being introduced into the wastewater treatment system.
- v. Requirements for notification of slug discharges to the Superintendent.

(2) Permits may contain the following:

- i. The unit charge or schedule of user charges and fees for the wastewater to be discharged to the wastewater disposal system.
- ii. Limits on the average and maximum rate and time of discharge or requirements for flow regulations and equalization.
- iii. Requirements for installation and maintenance on inspection and sampling facilities
- iv. Requirements for installation, operation, and maintenance of pretreatment facilities.
- v. Compliance schedules.
- vi. Requirements for maintaining and retaining plant records relating to wastewater discharge as specified by the Superintendent and affording the Superintendent access thereto.

vii. Other conditions as deemed appropriate by the Town to ensure compliance with this ordinance.

(e) Permits shall be issued for a specified time period not to exceed five (5) years. A permit may be issued for a period less than a year or may be stated to expire on a specific date. The user shall apply for permit reissuance a minimum of ninety (90) days prior to the expiration of the user's existing permit. The terms and conditions of the permit may be subject to modification by the Town during the term of the permit as limitations or requirements identified in section 25-20 are modified or other just cause exists. The user shall be informed of any proposed changes in his permit at least one hundred twenty (120) days prior to the effective date of change. Any changes or new conditions in the permit shall include a reasonable time schedule for compliance.

(f) Wastewater discharge permits are issued to a specific user for a specific operation. A wastewater discharge permit may be reassigned to a new owner or new user at the same premises. Any succeeding owner or user shall comply with the terms and conditions of the existing permit.

## **Section 12. Pretreatment of wastewater.**

Users shall provide necessary wastewater treatment as required to comply with this ordinance. Any facilities required to pretreat wastewater to a level acceptable to the Town shall be provided, operated, and maintained at the user's expense. Detailed plans showing the pretreatment facilities and operating procedures shall be submitted to the Town for review, and must be approved by the Town before construction of the facility. Any subsequent changes in the pretreatment facilities or methods of operation shall be reported to and be acceptable to the town prior to the user's initiation of the changes. The Town may charge a reasonable fee to cover its costs of the review process.

## **Section 13. Confidential information.**

Information and data on a user obtained from reports, questionnaires, permit applications, permits, and monitoring programs and from inspections shall be available to the public or other governmental agencies without restriction unless the user specifically requests and is able to demonstrate to the satisfaction of the Town that the release of such information would divulge information, processes or methods of production entitled to protection as trade secrets of the user. When requested by the person furnishing a report, the portions of a report which might disclose trade secrets or secret processes shall not be made available for inspection by the public, but shall be made available upon written request to governmental agencies for uses related to this ordinance, NPDES permit, state permits, or regulations, and/or pretreatment programs; provided, however, that such portions of a report shall be available for use by the state or federal governments or

agencies in judicial review or enforcement proceedings involving the person furnishing the report. Wastewater constituents and characteristics will not be recognized as confidential information.

#### **Section 14. Sludge management.**

Sludges, floatable solids, skimmings, etc., generated by an industrial or commercial pretreatment system shall not be placed into the Town's wastewater disposal system. Such sludges shall be contained, transported, and disposed of by haulers in accordance with all federal, state, and local regulations.

#### **Section 15. Enforcement.**

(a) Users shall notify the Superintendent immediately upon having a slug or accidental discharge of substances or wastewater in violation of this ordinance in order to enable countermeasures to be taken to minimize damage to the wastewater disposal system and the receiving waters. Such notification will not relieve users of liability for any expense, loss, or damage to the wastewater disposal system and/or treatment process, or for any fines imposed on the Town on account thereof under any state or federal law.

The Town may suspend the wastewater treatment service and/or a wastewater discharge permit when such suspension is necessary, in the opinion of the governing body in order to stop an actual or threatened discharge which presents or may present an imminent or substantial endangerment to the health or welfare of persons, to the environment, or to the wastewater disposal system, or would cause the Town to violate any condition of its NPDES permit or any state permit or regulation. Any user notified of a suspension of the wastewater treatment service and/or the wastewater discharge permit shall immediately stop the discharge. In the event of a failure of the user to comply voluntarily with the suspension order, the Superintendent shall take such steps as deemed necessary, including immediate severance of the sewer connection, to prevent or minimize damage to the wastewater disposal system or endangerment to any individuals. The Superintendent shall reinstate the wastewater discharge permit and/or the wastewater treatment service upon proof of the elimination of the non-complying discharge. A detailed written statement submitted by the user describing the causes of the slug or accidental discharge and the measures taken to prevent any future occurrence shall be submitted to the Superintendent within fifteen (15) days of the date of occurrence.

(b) In accordance with section 25-27, the governing body may revoke the permit of any user which fails to factually report the wastewater constituents and characteristics of its discharge; which fails to report significant changes in wastewater constituents or characteristics; which refuses reasonable access to the user's premises for the purpose of inspection or monitoring; or for violation of conditions of its permit, this ordinance, or applicable state and/or federal regulations.

(c) Whenever the Town finds that any person has violated or is violating this ordinance, wastewater discharge permit or any prohibition, limitation, or requirement contained herein, the Town may serve upon such person a written notice stating the nature of the violation. Within thirty (30) days of the date of the notice, a plan for the satisfactory correction thereof shall be submitted to the Town by the user.

(d) If the violation is not corrected by timely compliance, the Town may order any user which cause or allows an unauthorized discharge to show cause before the governing body why the proposed enforcement action should not be taken. A notice shall be served on the user specifying the time and place of a hearing to be held by the governing body regarding the violation, the reasons why the action is to be taken, the proposed enforcement action and directing the user to show cause before the governing body why the proposed enforcement action should not be taken. The notice of the hearing shall be served personally or by registered or certified mail at least ten (10) days before the hearing. Service may be made on any agent or officer of a corporation.

(e) The governing body may itself conduct the hearing and take the evidence, or may designate any officer or employee of the Town to:

- (1) Issue in the name of the governing body, notices of hearings requesting the attendance and testimony of witnesses and the production of evidence relevant to any matter involved in such hearings;
- (2) Take the evidence; and
- (3) Transmit a report of the evidence and hearing, including transcripts and other evidence, together with recommendations to the governing body for action thereon.

(f) Any hearing held pursuant to this ordinance, testimony taken must be under oath and recorded stenographically. The transcript to be recorded will be made available to any member of the public or any party to the hearing upon payment of the usual charges thereof.

(g) After the governing body has reviewed the evidence, it may issue an order to the user responsible for the discharge directing that following a specified time period, the sewer service be discontinued unless adequate treatment facilities, devices, or other related appurtenances shall have been installed or existing treatment facilities, devices, or other related appurtenances are properly operated. Further orders and directives as are necessary and appropriate may be issued.

(h) If any person discharges sewage, industrial wastes or other wastes into the Town's wastewater disposal system contrary to the provisions of this ordinance, federal or state pretreatment requirements or any order of the Town, the Town attorney may, following the authorization of such action by the governing body, commence an action of appropriate legal and/or equitable relief.

(i) A list of the users which were not in compliance with any pretreatment requirements or standard at least once during the previous twelve (12) months shall be published annually in the Town's official newspaper. The notification shall also summarize any enforcement actions taken against the user(s) during the same twelve (12) months.

**Section 16. Compliance.**

All users must obtain full compliance with this ordinance within one hundred twenty (120) days of its Effective Date.

**Section 17. Severability.**

If any provision of this Ordinance or the application thereof to any person or circumstances is held invalid or unconstitutional, the invalidity shall not affect other provisions of application of this Ordinance which can be given affect without the invalid provision or application, and to this and the provisions of this act are severable.

**Section 18. Ordinances Repealed.**

All ordinances and parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

**Section 19. Effective Date.**

This Ordinance shall become effective from the date of its passage.

PASSED 1<sup>ST</sup> READING THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2007.

Vote: \_\_\_\_yes \_\_\_\_no \_\_\_\_abstain \_\_\_\_absent

PASSED 2<sup>ND</sup> READING THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2007.

Vote: \_\_\_\_yes \_\_\_\_no \_\_\_\_abstain \_\_\_\_absent

PASSED 3<sup>RD</sup> READING THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2007.

Vote: \_\_\_\_yes \_\_\_\_no \_\_\_\_abstain \_\_\_\_absent

PASSED AND APPROVED THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2007.

TOWN OF ALPINE

BY: \_\_\_\_\_  
Victoria DeCora, Mayor

ATTEST:

BY: \_\_\_\_\_  
Kimberlee Jansen, Clerk

ATTESTATION OF THE TOWN CLERK

STATE OF WYOMING            )  
COUNTY OF LINCOLN        )  
TOWN OF ALPINE             )

I hereby certify that the forgoing Ordinance No. \_\_\_\_\_ was duly posted for ten (10) days in the Town Clerk’s Office.

I further certify that the forgoing Ordinance was duly recorded in the BOOK OF ORDINANCES IV, TOWN OF ALPINE, LINCOLN COUNTY, WYOMING.

ATTEST:

\_\_\_\_\_  
KIMBERLEE JANSEN, CLERK

## **EXHIBIT A**

### Prohibited Substances in Town of Alpine Sewer System

1. Any liquids, solids, or gases which by reason of their nature or quantity are, or may be, sufficient either alone or by interaction with other substances to cause fire or explosion or be injurious in any other way to the wastewater disposal system or to the operation of the system. At no time shall two successive readings on an explosion hazard meter, at the point of discharge into the system or at any point in the system, be more than five (5) percent nor any single reading over ten (10) percent of the lower explosive limit (LEL) of the meter. Pollutants that create a fire or explosion hazard in the POTW include but are not limited to: waste streams with a closed cup flash point of less than one hundred forty (140) degrees Fahrenheit or sixty (60) degrees centigrade using the test methods specified in 40 CFR 261.21. Prohibited materials include, but are not limited to: gasoline, kerosene, fuel oil, naphtha, benzene, toluene, xylene, ethers, alcohols, ketones, aldehydes, peroxides, chlorates, perchlorates, bromates, carbides, hydrides, and sulfides. Solid or viscous substances which will or may cause obstruction to the flow in a sewer or other interference with the operation of the wastewater treatment facilities such as, but not limited to: grease, garbage with particles greater than one-half (1/2) inch in any dimension, animal guts or tissue, animal feces, paunch manure, bones, hair, hides or fleshings, entrails, whole blood, feathers, ashes, cinders, sand, spent lime, stone or marble dust, metal, glass, straw, shavings, grass clippings, rags, spent grains, spent hops, waste paper, wood, plastic, gas, tar, asphalt residues, residues from refining or processing of fuel or lubricating oil, mud, or glass grinding or polishing wastes.
2. Any wastewater having a ph less than 5.5 or greater than 8.5 or having any other corrosive property capable of causing damage or hazard to structures, equipment, and personnel of the wastewater disposal system.
3. Any wastewater containing toxic pollutants in sufficient quantity, either singly or by interaction with other pollutants which may injure or interfere with any wastewater treatment process, that constitutes a hazard to humans or animals, or creates a toxic effect in the receiving waters of the wastewater disposal system. A toxic pollutant shall include but not be limited to any pollutant identified pursuant to section 307 (a) of the Act.
4. Any noxious or malodorous liquids, gases, or solids which either singly or by interaction with other wastes are capable of creating a public nuisance or hazard to life or are sufficient to prevent entry into the sewers for their maintenance repair. Pollutants that result in the presence of toxic gases, vapors, or fumes within the POTW in a quantity that may cause acute worker health and/or safety problems.
5. Any substance which may cause the wastewater disposal system's effluent or any other product of the wastewater treatment process such as residues, sludges, or scums, to be unsuitable for or interfere with normal disposal practices.

6. Any substance which alone will cause the wastewater disposal system to violate its NPDES and/or state disposal system permit or the receiving water quality standards.
7. Any wastewater with objectionable color not removed in the treatment process, such as, but not limited to: dye wastes, ink, and vegetable tanning solutions.
8. Any wastewater causing, individually or in combination with other wastewater, the influent at the wastewater treatment plant to have a temperature exceeding one hundred four (104) degrees Fahrenheit (forty (40) degrees Celsius).
9. Any slug load, which shall mean any pollutant, including oxygen demanding pollutants (BOD5, COD, etc.), released in a discharge of such volume or strength as to cause interference in the wastewater disposal system. In no case shall a slug load have a flow rate or contain concentrations or quantities of pollutants that exceed for any time period longer than fifteen (15) minutes, more than five (5) times the average twenty-four-hour concentrations of quantities, or flow during normal operation.
10. Any unpolluted water including, but not limited to, cooling water, stormwater, groundwater, or swimming pool water.
11. Any wastewater containing fats, wax, grease or oils, in excess of one hundred (100) mg/l or containing substances which may solidify or become viscous at temperatures between zero (0) degrees Celsius and sixty-five point six (65.6) degrees Celsius; and any wastewater containing oil or grease concentrations of mineral origin of greater than fifty (50) mg/l. The addition of grease emulsifiers to any wastewater is not allowed.
12. Wastewater containing inert suspended solids (such as but not limited to, Fullers earth, lime slurries, and lime residues) or of dissolved solids (such as, but not limited to, sodium chloride and sodium sulfate) in such quantities that they would cause interference with the wastewater disposal system.
13. Any wastewater which exceeds a concentration of three hundred (300) mg/l of BOD5, COD, or TSS.

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