

170 - ORDINANCE NO. 2008 - 26

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. Repeal of 145 Ordinance No. 2007-01

145 Ordinance No. 2007-01 is hereby repealed in its entirety.

Section 2. Repeal of 161 Ordinance No. 2007-17

161 Ordinance No. 2007-17 is hereby repealed in its entirety.

Section 3. 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. Each person is guilty of a separate offense for each and every day during any portion of which any violation of any provision of this ordinance is committed, continued or permitted by any person, or for each separate offense committed and that person shall be punished accordingly. 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.

(e) Any user who violates any part of this ordinance, is subject to having the water service to the property in question shut off after notice of non-payment and an opportunity to cure such default (15 days written notice) has been given. This Ordinance shall also provide for additional fines consisting of hourly fee plus equipment costs for turning water service off plus the additional fee of \$100 for re-connection of water service).

Section 4. 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 5. 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 6. 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 7. 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 8. 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 and incorporated herein as it may be amended from time to time into the wastewater disposal system or to any public sewer. Compliance with this section as it pertains to grease traps and sand/sediment interceptors shall be set forth on Exhibit B

attached hereto and incorporated herein as it may be amended from time to time.

(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 9. 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 10. 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 11. 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 12. 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 13. 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).