

COUNCIL WORK SESSION
Tuesday, October 13, 2015, following
the Special Regular Council Meeting
Casper City Hall
Council Meeting Room

AGENDA

1. Events Center Management
2. Proposed Ordinance Changes to Industrial Pre-Treatment Program (IPP)
3. Executive Session – Property Acquisition & Personnel
4. Future Agenda Review
5. Council Around the Table

September 29, 2015

MEMO TO: John C. Patterson, City Manager

FROM: Andrew Beamer, P.E., Public Services Director
David W. Hill, P.E., Public Utilities Manager
Bruce Martin, Wastewater Treatment Plant Manager
Haider Ali Bhutto, WWTP Pretreatment Supervisor

SUBJECT: Industrial Pretreatment Program - Revisions to Casper City Code

Recommendation:

That Council, by ordinance on first reading, adopt revisions to Chapters 13.20, 13.32, 13.36, and 13.44 of the Casper Municipal Code.

Summary:

The Federal Industrial Pretreatment Program (part of the Clean Water Act) requires Industrial Dischargers and Municipalities to use treatment techniques and management practices to reduce or eliminate the discharge of harmful pollutants to sanitary sewers and wastewater treatment plants. The original Industrial Pretreatment Ordinances were adopted by the City in 1984. In 1999, the industrial pretreatment statutes were substantially revised in order to comply with new Environmental Protection Agency (EPA) requirements. In 2007, more modest revisions were completed through ordinances.

Through an interagency industrial pretreatment agreement, the City also administers the industrial pretreatment program for all of the member agencies of the regional wastewater system (nine wholesale customers including Casper.)

EPA is again requiring updated modifications to the industrial pretreatment language in the Casper City Code including revisions to the local limits. Local limits for Casper are toxic metal pollutants that can be accepted at the wastewater treatment plant for treatment in accordance with guidance established by federal law (Chapter 13.32 of the Casper Municipal Code.)

The City has the option of using "mass loading based" or "concentration based" limits. The main difference between the two is how allocations are made to significant industrial users. With mass loading based limits, Industrial Pretreatment Program (IPP) staff allocates each Significant Industrial User (SIU) a portion of our allowable industrial loading. The portion does not have to be equal across all SIU's as long as the overall limit is not exceeded. When using the concentration based limit method each SIU is assigned the same limit. This is a much easier method for the IPP program to administer, is less likely to create non-compliance issues for the SIU's, and maintains a safe level of protection for the publically owned treatment works. Industrial Pretreatment Program Staff have chosen to use the concentration based limit when administering local limits.

The table below illustrates current maximum allowable industrial loading limits in relationship to proposed local limits. Changes between the current limits and the proposed limits is largely attributable to a much larger data set being used for calculations as well as advances in test methods which has allowed much more accurate detection limits. All of the local limit parameters, excluding arsenic, cadmium and total chromium have become less stringent.

Pollutant	Current (mass loading based) Maximum Allowable Industrial Loading (lbs./day)	Proposed (mass loading based) Maximum Allowable Industrial Loading (lbs./day)	Proposed (concentration based) Local Limits (mg/L)
Arsenic	43.142	6.107	5.984
Cadmium	2.01	1.22	1.20
Chromium Total	272.207	100.222	98.20
Chromium (VI)	24.397		
Copper	17.908	101.019	98.98
Lead	21.979	40.220	39.41
Molybdenum	1.575	8.949	8.77
Nickel	9.232	42.608	41.75
Selenium	3.403	8.135	7.97
Silver	26.681	46.605	45.66
Zinc	52.276	101.669	99.61
Mercury	0.007 mg/l		1.042

These changes to the Casper City Code will ensure that the City's Industrial Pretreatment Program remains in compliance with EPA requirements.

The Casper Public Utilities Advisory Board at its regular July 22, 2015 meeting conceptually approved the ordinances and recommended approval by Council. These ordinances have been reviewed by the Casper City Attorney's Office.

After first reading of the ordinances, EPA will submit its intent to approve updates to the local limits and ordinances for a thirty day public notice period. If no substantial comments are received during the public notice period, EPA will then send its approval letter to the City. After the approval letter is received, Council can then proceed to second and third readings of the ordinances.

ORDINANCE NO. _____

AN ORDINANCE AMENDING CERTAIN SECTIONS OF CHAPTER 13.20 OF THE CASPER MUNICIPAL CODE, PERTAINING TO DIVISION III WASTEWATER - PURPOSE, DEFINITIONS AND ABBREVIATIONS.

WHEREAS, it is essential to the public health, welfare, and safety of the inhabitants of the City of Casper and its environs to provide adequate water and wastewater service; and,

WHEREAS, Chapter 13.20 of the Casper Municipal Code needs to be amended to incorporate language required by the Environmental Protection Agency to amend certain definitions.

NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF CASPER, WYOMING: That Chapter 13.20 of the Casper Municipal Code is hereby amended as follows:

Section 1:

Paragraph 5 shall be added to Chapter 13.20.010.C. Definitions Applicable of the Casper Municipal Code as follows:

5. **SIGNATORY DOCUMENTS SHALL CONTAIN THE FOLLOWING CERTIFICATION:**

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.

Section 2:

Paragraph CCC. of Section 13.20.010 CCC. Definitions Applicable CCC. shall be amended to include the following sentence at the end of the paragraph as follows:

CCC. "Publicly owned treatment works" or "POTW," means

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.

Section 3:

Paragraph LLL. of Section 13.20.010.LLL. Definitions Applicable LLL. shall be amended to read as follows:

LLL. "Significant noncompliance" means a violation(s) which include(s):

- 1. Chronic violations of wastewater limits, which occur in sixty-six percent or more of all of the measurements taken for the same pollutant parameter during a six-month period or exceed (by any magnitude) a numeric pretreatment standard or requirement, including instantaneous limits as defined in Section 13.20.010 (40 CFR 403.3(1L));**
- 2. Technical review criteria (TRC) violations, defined here as those in which thirty-three percent or more of all of the measurements taken for the same pollutant parameter during a six-month period equal or exceed the product of the numeric pretreatment standard or requirement including instantaneous limits, as defined by this section (40 CFR 403.3(1L)) multiplied by the applicable TRC (TRC=1.4 of BOD, TSS, fats, oil and grease, and 1.2 for all other pollutants, except pH);**
- 3. Any other violation of a pretreatment standard or requirement as defined by this section (40 CFR 403.3(1L)) (daily maximum, long-term average, instantaneous limit, or narrative standard) that the city determines has caused, alone or in combination with other discharges, interference or pass-through, including endangering POTW personnel or the public;**
- 4. Any discharge of a pollutant that has caused imminent endangerment to the public, human wealth, welfare or to the environment, or has resulted in the POTW's exercise of its emergency authority under 40 CFR 403.8(f)(1)(vi)(B) to halt or prevent such a discharge;**
- 5. A delay in meeting a compliance schedule milestone (failure to begin or complete construction, or attain final compliance) by ninety days. ~~or more;~~**
- 6. Failure to submit any required report within thirty days of the 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;

- 7. Failure to report noncompliance;
- 8. Any other violation(s) which may include a violation of best management practices, which the POTW determines will adversely affect the operation or implementation of the local pretreatment program; or
- 9. ~~Publication of violators pursuant to 40 CFR Part 403.8(F)(1)(VIII).~~ THE SUPERINTENDENT 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, 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 13.20.010 (LLL) SECTIONS 1 THROUGH 8 OF THIS ORDINANCE.

Section 4:

This ordinance shall become in full force and effect upon passage on third reading and publication.

PASSED on first reading this _____ day of _____, 2015.

PASSED on second reading this _____ day of _____, 2015.

PASSED, APPROVED AND ADOPTED on third and final reading this _____ day of _____, 2015.

APPROVED AS TO FORM:

ATTEST:

CITY OF CASPER, WYOMING
A Municipal Corporation

V. H. McDonald
City Clerk

Charlie Powell
Mayor

ORDINANCE NO. _____

AN ORDINANCE AMENDING CERTAIN SECTIONS OF CHAPTER 13.32 OF THE CASPER MUNICIPAL CODE, PERTAINING TO DIVISION III WASTEWATER – SEWER DISCHARGE REGULATIONS.

WHEREAS, it is essential to the public health, welfare, and safety of the inhabitants of the City of Casper and its environs to provide adequate water and wastewater service; and,

WHEREAS, Chapter 13.32 of the Casper Municipal Code needs to be amended to incorporate modified wording required by the Environmental Protection Agency to amend certain language in the Chapter.

NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF CASPER, WYOMING: That Chapter 13.32 of the Casper Municipal Code is hereby amended as follows:

Section 1:

Section 13.32.030 Specific pollutant limitations designated--Local limits shall be amended to read as follows:

13.32.030 Specific pollutant limitations designated--Local limits.

- A. Local Limits that can be accepted at the POTW for treatment in accordance with guidance established by federal law is limited to:**

Pollutant	Maximum Allowable Industrial Loading (lbs./day)	LOCAL LIMITS (MG/L)
Arsenic	43.142	5.984
Cadmium	2.01	1.20
Chromium Total	272.207	98.20
Chromium (VI)	24.397	
Copper	17.908	98.98
Lead	21.979	39.41
Molybdenum	1.575	8.77
Nickel	9.232	41.75
Selenium	3.403	7.97
Silver	26.681	45.66
Zinc	52.276	99.61
Pollutant	Maximum Industrial Effluent Discharge	
Mercury	0.007 mg/l	1.02

- B. Any other specific pollutants identified by the city may also have specific effluent permit limitations set by the city to restrict their discharge into the system.**
- ~~**C. The above maximum allowable industrial loadings in pounds per day will be distributed using criteria established in Casper's report on the development of local limits under the pretreatment program, June, 1994, and EPA Guidance Manual on the Development and Implementation of Local Discharge Limitations Under the Pretreatment Program, December, 1987 (as they now exist or as they are hereafter revised).**~~
- C D. Best Available Technology (BAT) shall be used for pretreatment of any discharges to the POTW from the cleanup activities of soil, aquifer, or groundwater table associated with leaking underground storage tanks of spills of any petroleum products. The BAT shall be capable of reducing the benzene concentration to less than 0.05 mg/l and the "total" benzene, ethyl benzene, toluene and xylene (betx) to less than 0.750 mg/l. This is in accordance with guidance established in EPA's Model NPDES Permit for Discharges Resulting from the Cleanup of Gasoline Released from Underground Storage Tanks, June 1989.**
- D E. The city may develop best management practices (BMPs), by ordinance or in individual wastewater discharge permits or general permits, to implement local limits and the requirements of Section 13.32.040. SUCH BMPS SHALL BE CONSIDERED LOCAL LIMITS AND PRETREATMENT STANDARDS FOR THE PURPOSES OF THIS PART AND SECTION 307 (D) OF THE ACT. BMPs also include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludges or waste disposal, or drainage from raw materials storage.**
- E F. The city reserves the right to establish, by ordinance or in individual wastewater discharge permits or in general permits, more stringent standards or requirements on discharges to the POTW consistent with the purpose of this chapter.**

Section 2

Paragraphs 3 and 11 of Section 13.32.040.A. Prohibited substances designated--General prohibitions shall be amended to read as follows:

- 3. PETROLEUM OIL, NONBIODEGRADABLE CUTTING OIL, OR PRODUCTS OF MINERAL OIL ORIGIN, IN AMOUNTS THAT WILL CAUSE INTERFERENCE OR PASS THROUGH; ~~Petroleum based oil in sufficient enough amounts that cause pass through or interference to the system,~~ and in no cases, exceeding one hundred (100) mg/l;**
- 11. Any pollutants, including oxygen-demanding pollutants (BOD, etc.) released**

at a flow rate and/or pollutant concentration THAT ~~which a user knows or has reason to know~~ will cause interference to the POTW. In no case shall a slug load have a flow rate or contain concentration or quantities of pollutants that exceed limits set by the city;

Section 3:

This ordinance shall become in full force and effect upon passage on third reading and publication.

PASSED on first reading this _____ day of _____, 2015.

PASSED on second reading this _____ day of _____, 2015.

PASSED, APPROVED AND ADOPTED on third and final reading this _____ day of _____, 2015.

APPROVED AS TO FORM:

ATTEST:

CITY OF CASPER, WYOMING
A Municipal Corporation

V. H. McDonald
City Clerk

Charlie Powell
Mayor

ORDINANCE NO. _____

AN ORDINANCE AMENDING CERTAIN SECTIONS OF CHAPTER 13.36 OF THE CASPER MUNICIPAL CODE, PERTAINING TO DIVISION III WASTEWATER – WASTEWATER DISCHARGE CONDITIONS.

WHEREAS, it is essential to the public health, welfare, and safety of the inhabitants of the City of Casper and its environs to provide adequate water and wastewater service; and,

WHEREAS, Chapter 13.36 of the Casper Municipal Code needs to be amended to incorporate modified wording required by the Environmental Protection Agency to amend certain language in the Chapter.

NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF CASPER, WYOMING: That Chapter 13.36 of the Casper Municipal Code is hereby amended as follows:

Section 1:

Paragraph B. shall be added to Section 13.36.020 Application--Contents--Issuance procedure of the Casper Municipal Code as follows:

- B. INDIVIDUAL WASTEWATER DISCHARGE PERMIT DECISIONS-THE SUPERINTENDENT WILL EVALUATE THE DATA FURNISHED BY THE USER AND MAY REQUIRE ADDITIONAL INFORMATION. WITHIN 90 DAYS OF RECEIPT OF A COMPLETE PERMIT APPLICATION, THE SUPERINTENDENT WILL DETERMINE WHETHER TO ISSUE AN INDIVIDUAL WASTEWATER DISCHARGE PERMIT [OR A GENERAL PERMIT {OPTIONAL}]. THE SUPERINTENDENT MAY DENY ANY APPLICATION FOR AN INDIVIDUAL WASTEWATER DISCHARGE PERMIT [OR A GENERAL PERMIT {OPTIONAL}].**

Section 2:

Paragraphs N. and O. shall be added to Section 13.36.030 Conditions and contents of the Casper Municipal Code as follows:

- N. STATEMENT OF DURATION, IN NO CASE MORE THAN FIVE YEARS.**
- O. STATEMENT OF NON-TRANSFERABILITY WITHOUT, AT A MINIMUM, PRIOR NOTIFICATION TO THE POTW AND PROVISION OF A COPY OF THE EXISTING CONTROL**

MECHANISM TO THE NEW OWNER OR OPERATOR;

Section 3:

This ordinance shall become in full force and effect upon passage on third reading and publication.

PASSED on first reading this _____ day of _____, 2015.

PASSED on second reading this _____ day of _____, 2015.

PASSED, APPROVED AND ADOPTED on third and final reading this _____ day of _____, 2015.

APPROVED AS TO FORM:

ATTEST:

CITY OF CASPER, WYOMING
A Municipal Corporation

V. H. McDonald
City Clerk

Charlie Powell
Mayor

ORDINANCE NO. _____

AN ORDINANCE AMENDING CERTAIN SECTIONS OF CHAPTER 13.44 OF THE CASPER MUNICIPAL CODE, PERTAINING TO DIVISION III WASTEWATER – VIOLATIONS AND ENFORCEMENT.

WHEREAS, it is essential to the public health, welfare, and safety of the inhabitants of the City of Casper and its environs to provide adequate water and wastewater service; and,

WHEREAS, Chapter 13.44 of the Casper Municipal Code needs to be amended to incorporate modified wording required by the Environmental Protection Agency to amend certain language in the Chapter.

NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF CASPER, WYOMING: That Chapter 13.44 of the Casper Municipal Code is hereby amended as follows:

Section 1:

Add to the end of the second paragraph of Section 13.44.070 Administrative fines and cost recovery of the Casper Municipal Code the following:

(ERP)

Section 2:

Insert a new third paragraph to Section 13.44.070 Administrative fines and cost recovery of the Casper Municipal Code as follows:

THE CITY MAY ADOPT POLICIES AND PROCEDURES AS SET FORTH IN THE ERP FOR CARRYING OUT THE PROVISIONS, PROVIDED THAT SUCH POLICIES AND PROCEDURES ARE NOT IN CONFLICT WITH THIS OR ANY APPLICABLE STATE OR FEDERAL LAW OR REGULATIONS.

Section 3:

The original third and fourth paragraphs of Section 13.44.070 Administrative fines and cost recovery of the Casper Municipal Code are now the fourth and fifth paragraphs of the section.

Section 4:

This ordinance shall become in full force and effect upon passage on third reading and publication.

PASSED on first reading this _____ day of _____ 2015.

PASSED on second reading this ____ day of _____, 2015.

PASSED, APPROVED AND ADOPTED on third and final reading this ____
day of _____, 2015.

APPROVED AS TO FORM:

ATTEST:

CITY OF CASPER, WYOMING
A Municipal Corporation

V. H. McDonald
City Clerk

Charlie Powell
Mayor