

CITY OF GRAND JUNCTION, COLORADO

ORDINANCE NO. 4210

AN ORDINANCE AMENDING A PORTION OF ARTICLE II OF CHAPTER 38 OF THE GRAND JUNCTION CODE OF ORDINANCES TO INCORPORATE CHANGES MADE TO THE FEDERAL CODE OF REGULATIONS RELATED TO INDUSTRIAL PRETREATMENT REGULATIONS

RECITALS:

The Federal Government has amended the Federal Code of Regulations (CFR) relating to industrial pretreatment regulations to further streamline the reporting processes to the United States Environmental Protection Agency (USEPA).

The USEPA requires that state and local law develop pretreatment programs that are consistent with federal law and not less stringent in their requirements than those set forth in the National Pretreatment Standards.

In compliance with USEPA requirements, City staff has made the required revisions relating to industrial pretreatment to the City Code of Ordinances and now request that the City Council approve the proposed changes to the Code of Ordinances.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION THAT:

Article II of Chapter 38 of the Code is amended as follows:

The following definitions in Section 38-63 are revised to read as follows:

38-63. Same - Definitions.

Signatory Official for required reports is defined as follows:

(1) A responsible corporate officer, if the industrial user is a corporation, means:

- (a) a president, secretary, treasurer, or vice president of the corporation in charge of a principal business function, or any other person who performs similar policy-or decision-making functions for the corporation, or
- (b) the manager of one or more manufacturing, production, or operating facilities, provided, the manager is authorized to make management decisions which govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiate and direct other comprehensive measures to assure long term environmental compliance with environ-mental laws and

regulations; can ensure that the necessary systems are established or actions taken to gather complete and accurate information for control mechanism requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

(2) A general partner or proprietor if the Industrial User submitting the reports is a partnership or a sole proprietorship.

(3) A duly authorized representative of the individual designated in (1) and (2) of this section if:

- (a) the authorization is made in writing by the individual described in (1) or (2) of this section,
- (b) the authorization specifies either an individual or a position having responsibility for the overall operation of the facility from which the Industrial Discharge originates, such as the position of plant manager, operator of a well, or well field superintendent, or a position of equivalent responsibility, or having overall responsibility for environmental matters for the company; and
- (c) the written authorization is submitted to Control Authority.

(4) If an authorization under (3) of this section 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 authorization satisfying the requirements (3) of this section must be submitted to the Control Authority prior to or together with any reports to be signed by an authorized representative.

Significant noncompliance. An industrial user is in significant noncompliance if its violation meets one or more of the following criteria:

(1) Chronic violations of wastewater discharge limits, defined here as those in which 66 percent or more of all the measurements taken during a six-month period exceed (by any amount) the maximum limit for the same pollutant parameter; or

(2) Technical review criteria ("TRC") violations, defined here as those in which 33 percent or more of all the measurements for each pollutant parameter taken during a six-month period equal or exceed the product of the maximum limit or the average limit multiplied by the applicable TRC (TRC equals 1.4 for BOD, TSS, fats, oil and grease and 1.2 for all other pollutants except pH); or

(3) Any other violation of a pretreatment effluent limit (maximum or longer term mean average) that the WWTW determines has caused, alone or in

combination with other discharges, Interference or Pass Through, including endangering the health of WWTW personnel or the public; or

(4) No Changes

(5) No Changes

(6) Failure to provide, within forty-five days after the date due, a required report such as a baseline monitoring report (BMR), a ninety-day compliance report, a periodic self-monitoring report or a report on compliance with compliance schedules; or

(7) No Changes

(8) No Changes

The remainder of Article II, Chapter 38, not specifically amended herein, shall remain in full force and effect.

INTRODUCED on this first reading this 6th day of February, 2008.

PASSED and ADOPTED this 2nd day of April, 2008

/s/: James J. Doody
President of the Council

ATTEST:

/s/: Stephanie Tuin
City Clerk