

CITY OF GRAND JUNCTION, COLORADO  
MEMORANDUM

Reply Requested  
Yes  No

Date  
June 22, 1983

To: ~~(XXXX)~~ Jim Patterson  
Ralph Sterry  
Jim Wysocki  
Jim Westbrook  
✓Lyle Dechant  
Gerry Ashby

From: ~~(XXXX)~~ Steve Johnson

RE: Industrial Pretreatment Program Development.

An Industrial Pretreatment Program Report was submitted by the City to the State Department of Health and the EPA on June 10, 1983. You have either previously obtained a copy of the Report, or else it is attached to this memo. With the Report, the City requested final program approval.

The EPA retains fullline authority for approval of pretreatment programs. The agency has orally communicated to me its reluctance to act on our request for final approval, let alone to grant final approval, in the absence of a finalized industrial pretreatment ordinance (i.e., and ordinance that has been passed by the City Council). EPA recognizes the validity of our approach to pretreatment, which assumes current legal authority to implement the program, but simultaneously is constrained as an agency to insist on passage of a new, detailed, and comprehensive pretreatment ordinance.

Since making our request, EPA has also formally advised us that they will consider amendment/extension of our pretreatment program compliance schedule. This would allow delay of the 1) submission of the finalized ordinance; the 2) request for final program approval; and 3) total program implementation.

Based on these two agency positions, Jim Patterson and I have chosen not to force the EPA to formally act on our request for approval. Instead, they are willing to forego notice and hearing on the request, and to review our submittal as a draft report. This means that they will have preliminarily determined that the submittal is "incomplete" because it lacks the finalized ordinance.

This tactic of requesting final approval, but not forcing an approval decision at the present time, has informally accomplished the following items:

- 1) We will benefit from specific EPA comments on the draft program before Council is requested to adopt the ordinance;
- 2) We have been advised that the basic package will be acceptable if the ordinance is adopted;
- 3) The draft ordinance is considered by EPA to be in good form, based on initial staff evaluation;
- 4) Our connectors, the City, and the County will clearly understand what authority must be adopted, at whose behest; and
- 5) Having taken an initially aggressive stance regarding program approval, we can now anticipate obtaining a more lenient, EPA approved schedule for passage of the final ordinance and revisions to connector agreements.

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Jim Patterson and myself will soon be making presentations on the pretreatment program elements, and required final actions, to both the City Council and the County Commissioners (as part of a requested "overall" presentation). Meetings with connector district officials and potential industrial permittees must also be held; we will advise you of the dates as they are determined.

Attachment