



REQUEST FOR CITY COUNCIL ACTION

MEETING DATE:

December 4, 2019

DEPARTMENT:

Utilities

DIVISION:

Wastewater Treatment

- Motion
- Resolution
- Ordinance - Introduction
- Ordinance - Adoption
- Public Hearing

TITLE:

Enforcement Response Plan: Industrial Waste and other Wastewater Discharges

SUMMARY RECOMMENDATION:

Adopt the Utilities Department Enforcement Response Plan pursuant to Environmental Protection Agency requirements and as part of the Yuma City Code Chapter 191 Industrial Waste and other Wastewater Discharges. (Utilities)(Jeremy McCall)

REPORT:

The Environmental Protection Agency requires all Publicly Owned Treatment Works (POTW) to adopt an Enforcement Response Plan (ERP) as part of their approved Pretreatment Programs. The regulation as stated in 40 Code of Federal Rights (CFR) §403.8(f)(5) requires POTW to develop and implement an ERP. The ERP shall contain detailed procedures indicating how a POTW will investigate and respond to instances of industrial user noncompliance. The plan, at a minimum shall:

- (i) Describe how the POTW will investigate instances of noncompliance;
- (ii) Describe the types of escalating enforcement responses the POTW will take in response to all anticipated types of industrial user violations and the time periods within which responses will take place;
- (iii) Identify (by title) the official(s) responsible for each type of response;
- (iv) Adequately reflect the POTW primary responsibility to enforce all applicable pretreatment requirements and standards, as detailed in 40 CFR 403.8(f)(1) and (f)(2).

The City of Yuma Utilities Department began the development of the proposed ERP several months ago and sought input from industrial discharge stakeholders in Yuma as well as the guidance and input from the City's Water and Sewer Commission. As required by 40 CFR §403.8(f)(5) the City of Yuma's proposed ERP outlines the procedures that will be used to identify, document, track and respond to noncompliance and provides guidance for selecting the enforcement action most appropriate for a given violation.

FISCAL REQUIREMENTS	CITY FUNDS:	\$0.00	BUDGETED:	\$0.00
	STATE FUNDS:	\$0.00	AVAILABLE TO TRANSFER:	\$0.00
	FEDERAL FUNDS:	\$0.00	IN CONTINGENCY:	\$0.00
	OTHER SOURCES:	\$0.00 \$0.00 \$0.00	FUNDING FOR THIS ITEM IS FOUND IN THE FOLLOWING ACCOUNT / FUND / CIP:	
	TOTAL:	\$0.00		
	FISCAL IMPACT STATEMENT:			
ADDITIONAL INFORMATION	SUPPORTING INFORMATION NOT ATTACHED TO THE CITY COUNCIL ACTION FORM THAT IS ON FILE IN THE OFFICE OF THE CITY CLERK:			
	1. 2. 3. 4. 5.			
IF CITY COUNCIL ACTION INCLUDES A CONTRACT, LEASE OR AGREEMENT, WHO WILL BE RESPONSIBLE FOR ROUTING THE DOCUMENT FOR SIGNATURE AFTER CITY COUNCIL APPROVAL?				
<input type="radio"/> Department <input checked="" type="radio"/> City Clerk's Office <input type="checkbox"/> Document to be recorded <input type="checkbox"/> Document to be codified				
SIGNATURES	CITY ADMINISTRATOR:			DATE:
	Philip Rodriguez			11/26/2019
	REVIEWED BY CITY ATTORNEY:			DATE:
	Richard W. Files			11/26/2019
RECOMMENDED BY (DEPT/DIV HEAD):			DATE:	
Jeremy McCall			11/19/2019	
WRITTEN/SUBMITTED BY:			DATE:	