

RESOLUTION 07-04

RESOLUTION AUTHORIZING THE MAYOR TO SIGN THE NOTICE OF VIOLATION AND CEASE AND DESIST ORDER REGARDING DAIRY FARMERS OF AMERICA

Whereas, Section 13-24 of the *Fort Morgan Municipal Code* (1994) authorizes the City of Fort Morgan to issue and regulate wastewater discharge/sanitary sewer permits;

Whereas, Section 13-39 of the *Fort Morgan Municipal Code* (1994) sets forth the General and Specific Discharge Prohibitions;

Whereas, Section 13-54 of the *Fort Morgan Municipal Code* (1994) authorizes the City to take certain action, including suspending the wastewater treatment service when such suspension is necessary, in the opinion of the City, in order to stop an actual or threatened discharge which presents or may present an imminent or substantial endangerment to the health or welfare of persons, to the environment, causes interference to the POTW *or causes the City to violate any condition of its NPDES permit.* [emphasis added.]

Whereas, Dairy Farmers of America has continued to violate the terms of their Major Discharge Permit, in violation of Sections 13-39(b)(2) and (4) regarding pH balance and BOD regulations, despite continuing efforts by the City to bring them into compliance, including penalties assessed for such violations;

Whereas, the City of Fort Morgan must move forward with their enforcement efforts in order to remain in compliance with their NPDES permit.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF FORT MORGAN, COLORADO:

1. The City of Fort Morgan, Colorado hereby authorizes Mayor Darnell to sign the attached **Notice of Violation and Cease and Desist Order**.
2. That the Notice of Violation and Cease and Desist Order shall be served upon the Dairy Farmers of America, and upon such service, Dairy Farmers of America have five (5) days to provide the City of Fort Morgan with written notice of compliance with the Cease and Desist Order.
3. That failure to comply with the terms and specifications of the Cease and Desist Order may result in the suspension or termination of Sanitary Sewer Service to the facilities of the Dairy Farmers of America.

PASSED, APPROVED AND ADOPTED this 20th day of March, 2007, the vote upon roll call being as follows:

Ayes: Mayor Darnell, Aldermen Baltazar, Power, Schaffer, Shaver and Simmons

Nays:

Absent: Alderman McAlister

THE CITY COUNCIL OF THE CITY OF FORT MORGAN, COLORADO

BY: Jack Darnell
Mayor

ATTEST:

Andrea J. Strand
City Clerk

STATE OF COLORADO)
COUNTY OF MORGAN) ss. **CERTIFICATE**
CITY OF FORT MORGAN)

I, Andrea Strand, City Clerk of the City of Fort Morgan, Colorado, do hereby certify that the above and foregoing **Resolution** is a true, perfect and complete copy of the **Resolution** adopted by the Council and is identical to the original thereof appearing in the official records of the City of Fort Morgan, Colorado, and that the same has not been, since its adoption, in any respect, rescinded or amended.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the seal of the City of Fort Morgan this 21st day of March, 2007.

Andrea Strand
Andrea Strand, City Clerk