

RESOLUTION NO. 2022-03-01

A RESOLUTION OF THE CITY COUNCIL FOR THE CITY OF FORT MORGAN, COLORADO ADOPTING AN UPDATED ENFORCEMENT RESPONSE PLAN FOR THE CITY'S WASTEWATER PRETREATMENT PROGRAM

WHEREAS, the City of Fort Morgan, Colorado (the "City") is a Colorado home rule municipality, duly organized and existing pursuant to Article XX, Section 6 of the Colorado Constitution and the City Charter;

WHEREAS, pursuant to 40 C.F.R. § 403, the City has the authority to oversee a wastewater pretreatment program to control pollutants which pass through or interfere with treatment processes in the City's wastewater treatment plan, part of which requires the City to adopt an Enforcement Response Plan which satisfies baseline federal requirements;

WHEREAS, a recent audit of the City's pretreatment program by the U.S. Environmental Protection Agency (the "EPA") identified a number of provisions within the Enforcement Response Plan which need to be updated to ensure compliance with federal pretreatment regulations;

WHEREAS, the City's current pretreatment Enforcement Response Plan was last updated on May 12, 1995;

WHEREAS, recent pretreatment enforcement actions have highlighted the need for further clarity and guidance in the City's pretreatment Enforcement Response Plan;

WHEREAS, the updated Enforcement Response Plan, attached hereto as Exhibit A, satisfies federal requirements and has been formally approved by the EPA; and

WHEREAS, the City Council finds it desirable and appropriate, and in the best interest of the general health, safety, and welfare of its residents to adopt the updated pretreatment Enforcement Response Plan, attached hereto as Exhibit A.

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

Section 1. The foregoing recitals are hereby incorporated as conclusions, determinations, facts, and findings of the City Council.

Section 2. This Resolution and the updated pretreatment Enforcement Response Plan are intended to supersede any previous Enforcement Response Plan adopted by the City Council or otherwise being utilized the City.

Section 3. Effective upon approval, the City hereby adopts the updated pretreatment Enforcement Response Plan, attached hereto as Exhibit A.

INTRODUCED, PASSED, APPROVED, AND ADOPTED this 15th day of March, 2022, the vote upon roll call being as follows:

Ayes: Mayor Lyn Deal, Councilmembers Anderson, Garcia, Parks and Schossow

Nays: None

Absent/Absent: Councilmembers Kaper and Urdiales, Absent (excused)



THE CITY COUNCIL OF THE CITY OF
FORT MORGAN, COLORADO

BY: Lyn Deal
Lyn Deal, Mayor

ATTEST:

John Brennan
John Brennan, City Clerk
STATE OF COLORADO)
COUNTY OF MORGAN) ss.
CITY OF FORT MORGAN)

CERTIFICATE

I, John Brennan, 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 City 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 15th day of March, 2022.

John Brennan
John Brennan, City Clerk

Exhibit A
Enforcement Response Plan