COUNCIL ACTION FORM

SUBJECT: REVISIONS TO CHAPTER 28

BACKGROUND:

On October 24, Council approved on first reading an ordinance that makes a number of updates to Chapter 28. **Staff has learned that a minor wording revision is necessary, based on feedback from the Iowa Department of Natural Resources.** The change is a slight alteration to the way Section 28.307(2) references the Code of Federal Regulations.

Sec. 28.307. INDUSTRIAL PRETREATMENT REQUIREMENTS
   (2)   This section adopts by reference the following sections of the General Pretreatment Regulations for Existing and New Sources of Pollution promulgated by the United States Environmental Protection Agency, 40 Code of Federal Regulations, Chapter I, Part 403 as published through July 1, 1989 as amended ~~on October 17, 1989 and July 24, 1990~~ through October 22, 2015 as the City's pretreatment regulations. These sections included 403.2, 403.3, 403.4, 403.5, 403.6, 403.7, 403.8, 403.12, 403.15, 403.16 and 403.17.

Because this wording change does not alter the intent or application of the ordinance, the City Attorney recommends that Council first approve the modified wording, then proceed with approving the ordinance, as amended, on second reading.

ALTERNATIVES:

   1.   a) Approve an amendment to Chapter 28, Section 28.307 to reference the version of the Code of Federal Regulations, Chapter 1, Part 403 dated October 22, 2015.

         b) Approve on second reading the ordinance revising portions of Chapter 28 related to Division II Water Service and Division III Sewers, as amended.

   2.   Do not approve additional Chapter 28 changes at this time.

CITY MANAGER'S RECOMMENDED ACTION:

Staff presented the proposed changes to Council at a workshop on October 17, 2017 and a first reading of the ordinance occurred on October 24, 2017. Following the first reading, one small revision is needed to comply with requirements of the Iowa Department of Natural Resources. Therefore, it is the recommendation of the City Manager that the City Council adopt Alternative No. 1 as stated above.