



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8

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EPA REGION VIII
HEARING CLERK

Ref: 8ENF-W-NP

MAY 04 2010

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Eileen List
Industrial Pretreatment Supervisor
City of Grand Junction
250 North 5th Street
Grand Junction, CO 81501

Re: Request for Extension of Time to
Comply with Compliance Order

Dear Ms. List:

Pursuant to an Administrative Order for Compliance (Order) issued by EPA to the City of Grand Junction (City) on July 1, 2009, the City was required to submit a copy of its updated Industrial User Inventory, including specified information regarding each Industrial User, to EPA by January 30, 2010. On February 24, 2010, Region 8 staff contacted the City because the information had not been submitted. In response, the City copied its electronic files onto hard drives and submitted them to EPA via overnight mail on February 25. Although we appreciate the fact that the City was attempting to quickly correct the oversight, the electronic databases are not organized, do not identify the required information, and appear to contain extraneous data which is not germane to the Order. This information is therefore not presented in a manner that allows EPA to determine whether the City has adequately addressed the shortcomings in its pretreatment program as identified in the Order.

On March 3, Region 8 staff advised the City of the above concerns regarding the electronic files and that the updated Industrial User Inventory would still need to be submitted. The City requested an extension of time because it had not begun to compile the information necessary to update the inventory and would need additional time to do so. Region 8 staff advised that the City should submit a formal request for an extension of time, and in the meantime, the City should immediately begin to prepare the required information.

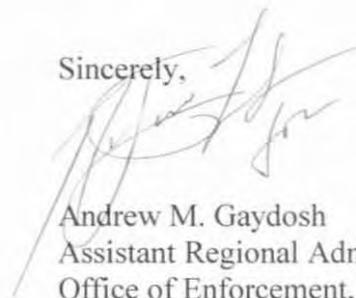
We have received the City's formal request for an extension of time and are granting a six-month extension to June 30, 2010. The updated Industrial User Inventory, containing the information described in the Order, may be presented either in electronic form or in hard copy.

I would also like to address the concerns raised by City Attorney John Shaver in his letter of November 5, 2009, regarding the Alpine Powder facility. In the letter, the City states that it was not required to treat Alpine Powder as a "Significant Industrial User" since it believed, based upon an inspection in 1998 and a follow-up phone call to the facility in 2003, that Alpine Powder was discharging only soap water to the publicly-owned treatment works (POTW). However, as EPA discovered during an unannounced inspection in 2008, Alpine Powder was, in fact, discharging uncontrolled wastewater containing process pollutants to the POTW and had been doing so for some unknown period of time.

As was discussed with the City before issuance of the Order, EPA's concern is that the illicit discharges from Alpine Powder were not detected by the City, even though the City was aware since at least 1998 that Alpine Powder was a facility engaged in the business of metal finishing and was therefore potentially a "Significant Industrial User" (SIU) and a "Categorical Industrial User" (CIU) under the Metal Finishing category. It was, and is, the City's responsibility to identify all SIUs and CIUs within its service area, and place controls upon all regulated discharges to the POTW from these facilities. In this instance, the City had not conducted an inspection of Alpine Powder for a decade and its only other contact with the facility was a brief phone call in 2003. This was not sufficient oversight on the part of the City with regard to this facility, and as set forth in the Order, constituted a violation of the City's obligations under the federal regulations.

If there are further questions regarding this issue, or the appropriate handling of other facilities, please have your staff contact Aaron Urdiales at (303) 312-6844.

Sincerely,



Andrew M. Gaydosh
Assistant Regional Administrator
Office of Enforcement, Compliance
and Environmental Justice

cc: Nathan Moore, CDPHE
Dan Tonello, City of Grand Junction
John Shaver, City of Grand Junction
Aaron Urdiales, EPA Region 8
Al Garcia, EPA Region 8
Linda Kato, EPA Region 8
Tina Artemis, Region 8