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CITY OF CHUBBUCK, IDAHO

ORDINANCE NO. 582

IDAHO DEPARTMENT OF
ENVIRONMENTAL QUALITY

AN ORDINANCE OF THE CITY OF CHUBBUCK, IDAHO, REPEALING SECTION 8.36.020.(R) AND ENACTING A NEW SECTION 8.36.020 (R) TO ADOPT BY REFERENCE THE IDAHO DEPARTMENT OF ENVIRONMENTAL QUALITY'S DESIGNATIONS FOR VARYING LEVELS OF PARTICULATE MATTER; REPEALING SECTIONS 13.18.110 "DISCHARGE LIMITATIONS: AND 13.20.040 (D) "CONCENTRATION LIMITATIONS" RELATING TO WASTE WATER DISCHARGE LIMITATIONS; ADDING NEW SECTIONS 13.18.110 AND 13.20.040 (D) ADOPTING BY REFERENCE THE LIMITATIONS SET FORTH IN THE CITY OF POCA TELLO'S REVISED AND COMPILED ORDINANCES; REPEALING PRIOR CONFLICTING ORDINANCES; PROVIDING FOR THE SEVERABILITY OF THE PROVISIONS OF THIS ORDINANCE; PROVIDING THAT ALL OTHER SECTIONS AND PROVISIONS OF CHAPTERS 8.36, 13.18 AND 13.20 NOT HEREIN AMENDED SHALL REMAIN IN FULL FORCE AND EFFECT; AND PROVIDING WHEN THIS ORDINANCE SHALL BECOME EFFECTIVE.

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF CHUBBUCK, IDAHO:

Section 1. Intent. The City adopted by reference certain air pollution concentration levels as promulgated by the Department of Environmental Quality and certain waste water discharge concentrations as adopted by the City of Pocatello. Those standards change from time to time and to avoid any lapse in getting the standards changed in the Chubbuck Municipal Code, the Council deems it appropriate to adopt those designated levels by reference.

Section 2. 8.36.020 (R) Repeal. Section 8.36.020 (R) is repealed and the following new section 8.36.020 (R) is adopted:

8.36.020 (R)"Air Quality Designations and Alert Criteria": The quality of Chubbuck's air shall be designated according to the health effect designations for varying levels of particulate matter as adopted from time to time by the Idaho Department of Environmental Quality ("DEQ"), or its successor agency, which designations are adopted herein by reference. When DEQ informs the City that it is declaring an "air quality alert" and notifies the media that an air pollution alert is being declared, the prohibitions set forth in this Chapter 8.36 shall apply.

Section 3. 13.18.110 and 13.20.040 (D) Repeal. Sections 13.18.110 “Discharge limitations” and 13.20.040 (D) “Concentration Limitations” are repealed and the following new sections are adopted:

13.18.110 Discharge Limitations. The Discharge Limitations set forth in section 13.18.110 of the Revised and Compiled Ordinances of the City of Pocatello, 1983, and as adopted in any subsequent ordinance or code of the City of Pocatello are hereby adopted as the Discharge Limitations for the City of Chubbuck. Waste haulers are prohibited from discharging wastes into the POTW which exceed those limitations.

13.20.040 (D) Concentration Limitations. The Concentration Limitations set forth in section 13.18.110 of the Revised and Compiled Ordinances of the City of Pocatello, 1983, and in any subsequent ordinance or code of the City of Pocatello are hereby adopted as the Concentration Limitations for the City of Chubbuck. No user shall discharge any waters or wastes containing heavy metals and similar objectionable or toxic substances to such a degree that any such material received in the composite sewage at the point of discharge exceeds the limits set forth therein.

ADMINISTRATIVE PROVISIONS

Section 1. Repeal of Conflicting Ordinances. The provisions of any Ordinance of the City of Chubbuck, Idaho, and any provision of the Chubbuck Municipal Code which are in conflict with the provisions of this Ordinance are hereby repealed to the extent of such conflict. All other sections and provisions of Chapters 8.36, 13.18 and 13.20 not herein amended shall remain in full force and effect.

Section 2. Severability. If any provision of this ordinance is held invalid, for any reason, by any court of competent jurisdiction, such holding shall not affect the validity or enforceability of any of the remaining provisions.

Section 3. Effective Date. The rule requiring an ordinance to be read on three separate days, one of which shall be a reading in full, is hereby dispensed with, and this Ordinance shall become effective upon its passage, approval and publication as provided by law.

PASSED BY THE COUNCIL AND APPROVED BY THE MAYOR OF THE CITY OF CHUBBUCK, IDAHO, this 9TH day of DECEMBER, 2003.



John O. Cotant, MAYOR

ATTEST:



Ron Conlin, CITY CLERK