

AN ORDINANCE TO AMEND THE ENVIRONMENTAL REMEDIATION WASTE WATER ORDINANCE OF THE METROPOLITAN WATER RECLAMATION DISTRICT OF GREATER CHICAGO

BE IT ORDAINED by the Board of Commissioners of the Metropolitan Water Reclamation District of Greater Chicago that the Environmental Remediation Wastewater Ordinance of the Metropolitan Water Reclamation District of Greater Chicago, as amended, is hereby further amended as follows:

Section I

Article II, of the Environmental Remediation Wastewater Ordinance of the Metropolitan Water Reclamation District of Greater Chicago, as amended is deleted therefrom, in its entirety, and substituted therefore is the following:

ARTICLE II

Definitions and Abbreviations

The meaning of the terms used in this Ordinance shall be as follows:

"Director of ~~Monitoring and Research and Development~~" or "Director" means the Director of ~~Monitoring and Research and Development~~ of the Metropolitan Water Reclamation District of Greater Chicago.

"Environmental Remediation Wastewater" or "ERW" means wastewater in the form of leachate or wastewaters from clean-up actions pursuant to CERCLA, or sites of leaking underground storage tanks which is discharged to and commingled with sewage and conveyed by the sewerage system to WRPs.

"Flow" means the volumetric measure per unit of time of wastewater, water, industrial waste or other flow.

~~"General Superintendent Executive Director "~~ means the ~~General Superintendent Executive Director~~ of the Metropolitan Water Reclamation District of Greater Chicago.

Section II

Article IV, Section 6 of the Environmental Remediation Wastewater Ordinance of the Metropolitan Water Reclamation District of Greater Chicago, as amended is deleted therefrom, in its entirety, and substituted therefore is the following:

ARTICLE IV

Special Discharge Authorizations

Section 6 Review of Denial of Special Discharge Authorization or Special Condition in Special Discharge Authorization

Any person whose SDAR has been denied by the District, or who wishes to have reviewed any special condition of a Special Discharge Authorization issued to such person prior to the commencement of discharge under the SDA, may request a review of the District's determination. Such request must be made in writing, to the Director of Monitoring and Research and Development, and must be received by the District within 30 days of the date of notification that the SDAR has been denied or of notification of the special condition. The request for review must clearly state the reason(s) why the District's denial of the SDAR, or the special condition should be reviewed, and must be accompanied by payment of the appropriate fee. The District shall notify the person of its decision on the request for review within 90 days of receipt thereof.

- a. Any person whose SDAR for a new discharge has been denied by the District is prohibited from commencing the discharge of environmental remediation wastewater into the sewerage system of the District until such time as a Special Discharge Authorization is issued to said person.
- b. Any person who requests a review of a special condition contained in an SDA issued to said person subsequent to the commencement of discharge under the SDA, may continue to discharge environmental remediation wastewater into the sewerage system of the District, only in accordance with all conditions of the SDA issued to said person, including the special condition under review, and not otherwise in violation of all other terms and conditions of the SDA, during the review and until a final administrative decision is rendered by the District.

The Director of Monitoring and Research and Development will inform the ~~General Superintendent Executive Director~~ of all requests for review. The ~~General Superintendent Executive Director~~ shall order that a hearing be held for each request for review. The review hearing shall comply with the hearing procedures of Article VIII, Section 3 of this Ordinance. The final administrative decision on each review will be made by the Board of Commissioners after it receives a report with recommendations from the Review Hearing Officer.

Section III

Article V, Section 5, Part b, of the Environmental Remediation Wastewater Ordinance of the Metropolitan Water Reclamation District of Greater Chicago, as amended is deleted therefrom, in its entirety, and substituted therefore is the following:

ARTICLE V

Monitoring Methods and Facilities

Section 5. Flow Metering

Each person subject to this Ordinance shall install and maintain, at his or her own expense, flow metering instrumentation that measures the discharge of all environmental remediation wastewaters entering the sewerage system under the District's jurisdiction. Flow metering shall conform with one of the following methodologies:

a. Primary Measurement Device

1. A nonresettable totalizer is required for each flow-measurement device installed. All nonresettable totalizers must be equipped with recorder charts. Totalizers must be read a minimum of once per week and a log of such readings, with the appropriate conversion factors, and recorder charts must be maintained at the ERW site for the term of the SDA and shall be made available to the District upon request.
2. Flow-measurement devices (e.g., bubbler type, float type or sonic type) must be calibrated monthly. The accuracy of the device must be certified by a factory-authorized representative with documentation of this certification submitted to the District within the first 30 days after the issuance of an SDA and/or renewal thereof.

b. In – Line Water Meters

1. Water meters must have nonresettable totalizers.
2. Water meters must be calibrated and details of the calibration procedure, including meter readings prior to calibration, must be submitted within the first 30 days after the issuance of an SDA and/or renewal thereof.
3. Meters must be read at least weekly and a log of such readings, including the proper units of measure, must be

maintained at the ERW site and made available to the District upon request.

4. Meters must be sealed by the District. The District must be notified at least one week before the start-up date of the proposed meter for the purpose of installing District seals. When a seal is to be removed for calibration or repair, the District must be notified immediately by calling the Monitoring and Research and Development Department, Industrial Waste Division at (312) 751-3044. Upon notification, District personnel shall install a new seal within two business days. Said notification shall be confirmed in writing and received by the Director within five business days.

Section IV

Article VI, Section 4 of the Environmental Remediation Wastewater Ordinance of the Metropolitan Water Reclamation District of Greater Chicago, as amended is deleted therefrom, in its entirety, and substituted therefore is the following:

ARTICLE VI

Reporting Requirements

Section 4. Spill Containment and Notification Requirements Regarding Spills, Malfunctions, Bypasses, and Slug Loadings

Each person to whom an SDA has been issued shall provide protection from accidental discharge to the sewerage system of all flows and chemical constituents therein which are not limited by the SDA. Facilities to prevent such discharge shall be provided and maintained at the person's own cost and expense. Additionally, each such person shall prepare and submit to the District detailed plans showing facilities and operating procedures to provide this protection.

Plans shall contain all elements required under 40 CFR 403.8(f)(2)(v), and shall be approved by the District prior to construction of the facilities. Modifications to the facilities and procedures without the prior approval of the District are grounds for revocation of the SDA. In the event of a planned shutdown or bypass of pretreatment facilities, the person shall notify the Director of the District's Monitoring and Research and Development Department, in writing, at least ten days prior to the beginning of the shutdown or bypass. In the event of a malfunction or an accidental or deliberate discharge resulting in a violation of the limita-

tions in the SDA, or in the event of a slug discharge, the person shall immediately telephone the District's Monitoring and Research and Development Department, Industrial Waste Division, (312) 751-3044 during normal business hours, or the Systems Dispatcher (312) 787-3575 at all other times. Said notification shall be confirmed in writing, and received by the District within five calendar days explaining the incident and outlining corrective measures to prevent a recurrence.

Section V

Article VIII, Section 2 of the Environmental Remediation Wastewater Ordinance of the Metropolitan Water Reclamation District of Greater Chicago, as amended is deleted therefrom, in its entirety, and substituted therefore is the following:

ARTICLE VIII

Enforcement

Section 2. Revocation Appeal

Any person whose SDA has been revoked may request a reconsideration of the Director's decision. Such request must be made in writing, to the Director, and must clearly state the reason(s) why such person believes that the revocation of the SDA should be reversed. Any request for reconsideration must be submitted to the Director within ten calendar days of receipt of the notification that the SDA has been revoked. The Director will render his determination, in writing, within 30 calendar days of receipt of the request for reconsideration. If the Director's decision supports the original notice, then the person shall cease the discharge within 48 hours of receipt of the Director's decision, and the SDA shall be null and void.

Any person who disagrees with a determination made by the Director, pursuant to this Section, may request a review of the Director's determination. Such request must be made in writing to the General Superintendent Executive Director and must be received by the District within 30 days of the person's receipt of the Director's determination. The request for review must clearly state the reason(s) why such person believes that the Director's determination should be reviewed. The General Superintendent Executive Director shall order that a hearing be held for each request for review. The review hearing shall comply with the hearing procedures of Article VIII, Section 3 of this Ordinance. The final administrative decision on each review will be made by the Board of Commissioners after it receives a report with recommendation from the Review Hearing Officer.

Section VI

Article VIII, Section 5 of the Environmental Remediation Wastewater Ordinance of the Metropolitan Water Reclamation District of Greater Chicago, as amended is deleted therefrom, in its entirety, and substituted therefore is the following:

ARTICLE VIII

Enforcement

Section 5. Emergency Cessation of Discharge

Notwithstanding any other remedies which the District may have by statute, common law or this Ordinance, when, in the determination of the General Superintendent Executive Director, any person's discharge presents an imminent danger to the public health, welfare or safety, presents or may present an endangerment to the environment, or which threatens to interfere with the operation of the sewerage system or a WRP under the jurisdiction of the District, upon the written direction of the General Superintendent Executive Director, the Director or his designee shall effect the cessation of discharge by operation of the device provided for in Article IV, Section 9(j). Resumption of discharge may not occur until such time as the General Superintendent Executive Director has determined that the imminent danger or interference no longer exists and the reinstatement fee has been paid. The action by the General Superintendent Executive Director provided in this Section is not appealable.

This Ordinance shall become effective immediately upon the passage thereof.

Dated: This eighteenth day of February 2010.

Approved:

THOMAS S. FULLER
TERRENCE J. O'BRIEN
President
Board of Commissioners of
Metropolitan Water
Reclamation District
of Greater Chicago

Approved as to Form and Legality:

Ronald M. Hill
Head Assistant Attorney

MICHAEL G. ROSENBERG
FREDERICK M. FELDMAN
Attorney General Counsel

Dated: February 18, 2010

Approved:

HON. TERRENCE J. O'BRIEN, President
Board of Commissioners, Metropolitan Water
Reclamation District of Greater Chicago

Approved as to Form & Legality:

Head Assistant Attorney

General Counsel