

TRANSMITTAL LETTER FOR BOARD MEETING OF MAY 20, 2021

COMMITTEE ON INDUSTRIAL WASTE AND WATER POLLUTION

Mr. Brian A. Perkovich, Executive Director

..Title

Request Authority to Amend the Sewage and Waste Control Ordinance of the Metropolitan Water Reclamation District of Greater Chicago

..Body

Dear Sir:

The Industrial Waste Division of the Monitoring and Research Department wishes to inform you of its intention to amend the Sewage and Waste Control Ordinance (Ordinance) by modifying certain of its terms, definitions, headings and requirements.

The amendments to the Ordinance are proposed as follows:

1. Article II, Definitions and Abbreviations

The term "Significant violator" and its definition shall be deleted and replaced by the term "Significant noncompliance" and the following definition. The term "Significant violator" does not appear in this Ordinance in any form under any provision and is thus replaced by the more appropriate term "Significant noncompliance," which is already defined in Appendix E of the Ordinance (Section 2, Annual Publication of Persons in Significant Compliance) but is being moved to Article II where it more appropriately belongs along with the Ordinance's other definitions:

"Significant noncompliance' means any instance of noncompliance by any person exhibiting any of the following: (i) chronic violations of wastewater Discharge limits, defined here as those in which 66 percent or more of all of the measurements taken for the same pollutant parameter during a 6-month period exceed (by any magnitude) a numeric Pretreatment Standard or Requirement, including instantaneous limits, as defined by 40 CFR 403.3(1); (ii) Technical Review Criteria (TRC) violations (Acute violations), defined here as those in which 33 percent or more of all of the measurements taken for the same pollutant parameter during a 6-month period equal or exceed the product of the numeric Pretreatment Standard or Requirement including instantaneous limits, as defined by 40 CFR 403.3(1) multiplied by the applicable TRC (TRC=1.4 for BOD, TSS, fats, oils, and greases, and 1.2 for all other pollutants except pH); (iii) any violation of an effluent discharge standard or prohibition which causes or contributes to pass-through or interference, the imminent threat of fire, explosion or other damage to the sewerage system, imminent endangerment to human health or the environment or which results in the District exercising its emergency authority to halt such violation; (iv) failure to submit a completed and certified report within 45 calendar days of a report due date; (v) failure to meet, within 90 calendar days after the schedule date, a compliance milestone date or final compliance date contained in a compliance schedule or Discharge Authorization; (vi) failure to provide access to the industrial user's premises to representatives of the District for the purposes of inspection and sampling; (vii) failure to comply with the spill containment and notification requirements regarding spills, malfunctions, bypasses, and slug loadings contained in Article V, Sections 4 and 15 of this Ordinance; (viii) failure to report any instance of noncompliance of which the person becomes aware by self-monitoring, as required under Article V, Section 8 of this Ordinance; or (ix) noncompliance with any of the terms or conditions of the Ordinance, upon the determination of the Executive Director."

Further, the term "Person in Significant Noncompliance" in Article II is redundant and shall be deleted.

2. Article III, Prohibited Wastes

Section 5. New or Increased Pollutant or Flow

Section 5 shall be retitled, "New, Increased, or Decreased Pollutant or Flow," in order to comply with a directive issued by the United States Environmental Protection Agency (USEPA) during a Pretreatment Program Compliance Inspection conducted by USEPA staff from December 17 through December 19, 2018, at the District's offices.

3. Article V, Reporting Requirements

Section 9. Submittal of All Self-Monitoring Data

Section 9 shall be retitled, "Self-Monitoring Reporting Requirements and Submittal of all Self-Monitoring Data ," and the following text shall be added to the beginning of Article V, Section 9 in order to reflect similar existing text in the District's User Charge Ordinance, Section 4.i.

"Each person subject to this Ordinance shall notify the District in writing no less than 14 calendar days prior to any commencement of its self-monitoring program, whether required by this Ordinance or any other District Ordinances, to allow the District to observe the person's sampling techniques, sample preservation, flow measurements, and other sampling protocols. This written notification shall be made on forms provided by the District, submitted to the District's Pretreatment and Cost Recovery Section by one of the following methods: U. S. mail addressed to the Pretreatment and Cost Recovery Section, P. O. Box 10689, Chicago, Illinois 60610; facsimile transmission sent to (312) 751-5960; or as PDF sent via electronic mail to mwr-d-u-cts@mwr-d.org."

4. Appendix B, Discharges to and Pollution of Sewerage Systems

Section 1. Pollutant Concentration Limits

The following text shall be added to Appendix B, Section 1 in order to prevent potential National Pollutant Discharge Elimination System (NPDES) permit violations for nickel at the John E. Egan Water Reclamation Plant (EWRP). The Illinois Environmental Protection Agency recently adopted a stringent NPDES permit limit of .013 mg/L for nickel at the EWRP and the existing Appendix B limit of 10.0 mg/L for nickel may be insufficient to protect the treatment operations of the EWRP.

"Effluent discharges from any person located within the service area of the John E. Egan Water Reclamation Plant that exceed a mass loading value of 1.0 pounds per day of nickel shall be subject to an alternative maximum pollutant concentration limit of 2.47 mg/L for nickel, at all times. Failure to comply with this alternative maximum pollutant concentration limit will be considered a violation of this Ordinance."

5. Appendix C, Article III, Categorical Pretreatment Standards

Section 1. Categorical Standards

The following additions to, and revisions of, the Ordinance listing of Industrial Point Source Categories and their Final Rule Dates are prepared in order to update and reflect the identical listings as promulgated and amended by the USEPA, under its National Pretreatment Program (40 CFR 403).

Additions:Industrial Point Source Category

449 Airport Deicing

451 Concentrated Aquatic Animal Production

450 Construction and Development

441 Dental Office

Final Rule Date

5/16/2012

8/23/2004

12/1/2009

6/14/2017

Revisions:

412 Concentrated Animal Feeding Operations (CAFO)

460 Hospital

432 Meat and Poultry Products

2/12/2003

5/6/1976

9/8/2004

6. Appendix E, Rules Governing Confidentiality and Public Access to Information**Section 2. Annual Publication of Persons in Significant Noncompliance**

The paragraph commencing with, "For purposes of publication, a person will be deemed in significant noncompliance of this Ordinance if such person exhibits any of the following:" and each following subparagraph (a) through (i) shall be deleted because they are repetitive of the newly defined term "Significant noncompliance" in Article II.

7. Appendix F, Enforcement Response Procedure – SIGNIFICANT NONCOMPLIANCE

Appendix F lists similar, but at places, outdated criteria for the term "Significant noncompliance".

Accordingly, the paragraph commencing with "For the purpose of determining an appropriate enforcement response, incidents of noncompliance will be deemed Significant Noncompliance in accordance with the following evaluations:" and each following subparagraph (A) through (E) shall be deleted and replaced with the following:

"For purposes of determining an appropriate enforcement response, incidents of noncompliance will be deemed Significant Noncompliance in accordance with the criteria contained in Article II above."

Attached is "An Ordinance to Amend the Sewage and Waste Control Ordinance of the Metropolitan Water Reclamation District of Greater Chicago, As Amended." This Ordinance amendment has received preliminary approval from USEPA prior to this submittal. It is recommended that the Board adopt the Ordinance, as herein amended. The Ordinance, as amended, will take effect on May 20, 2021.

Requested, Edward W. Podczewinski, Director of Monitoring and Research EWP:JW:GY:dt

Susan T. Morakalis, General Counsel

Jacqueline Torres, Clerk/Director of Finance

Disposition of this agenda item will be documented in the official Regular Board Meeting Minutes of the Board of Commissioners for May 20, 2021.

Attachments