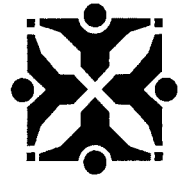


City of Columbia

701 East Broadway, Columbia, Missouri 65201



Agenda Item Number: B 289-15

Department Source: City Utilities - Sewer/Stormwater

To: City Council

From: City Manager & Staff

Council Meeting Date: 10/5/2015

Re: Amending Chapter 22 - Industrial Pretreatment Requirements for the Columbia Regional Wastewater Treatment Facility

Documents Included With This Agenda Item

Council memo, Resolution/Ordinance

Supporting documentation includes: MDNR Approval of Pretreatment Program Modifications

Executive Summary

Amending Chapter 22 of the City Code relating to the City's Industrial Pretreatment regulations. The Columbia Regional Wastewater Treatment Facility is required by federal and state regulations to have an Industrial Pretreatment Program approved by the Missouri Department of Natural Resources (MDNR). Periodically, the City program must be reviewed and City ordinances modified to ensure the program is in compliance with the regulations. In accordance with MDNR's request, staff has reviewed the City's program, identified changes and submitted the proposed changes to MDNR for review and approval.

Discussion

The City of Columbia operates a regional wastewater treatment facility with a capacity in excess of five (5) million gallons per day; therefore required by federal and state regulations to have an Industrial Pretreatment Program approved by MDNR. Periodically, the federal or state laws regulating pretreatment are revised which requires the City's program to be reviewed and ordinances changed to ensure the program is compliant with the federal and state regulations. MDNR notified the City that both federal and state regulations have been revised and requested that the City's program be reviewed for compliance. Following are the proposed changes to Chapter 22, as identified by staff, which have been reviewed and approved by MDNR (see attached letter).

- Section 22-210 Definitions - Several definitions which have been revised, added or eliminated to be consistent with the federal and state definitions.
- Section 22-210.01 Missouri General Pretreatment Regulation - This section was added to be consistent with and comply with the state regulations.

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- Section 22-215.01 Grease Traps - Section revised to reflect changes to sections of the building code related to grease traps, to reflect current records retention requirements and delete the reference to the health department inspectors as they are not involved in grease trap inspections.
- Section 22-215.05 Specific Pollutant Limitations - Section revised to reflect categorical standards in accordance with state regulations.
- Section 22-216.3 Discharge Permits - Section revised to limit transferability of permits.
- Section 22-217 Violations; Penalties - Section revised to be consistent with federal and state regulations.
- Section 22-219 Testing, Reporting and Recordkeeping - Section revised to reflect current records retention requirements.
- Section 22-219.2 Reporting Guidelines - Section revised to be consistent with federal and state regulations.
- Section 22-219.7 Notification of Hazardous Waste - Section added to be consistent with federal and state regulations.
- Section 22-220 Certification Statement - Section revised to be consistent with federal and state regulations.
- Section 22-222 Accidental Discharges / Slug Control Plan - Section revised to be consistent with federal and state regulations.
- Section 22-224 Special Agreements - Section revised to be consistent with federal and state regulations.
- There were also some minor grammatical corrections included in the revisions.

Fiscal Impact

Short-Term Impact: None with this ordinance

Long-Term Impact: None with this ordinance

Vision, Strategic & Comprehensive Plan Impact

Vision Impact: Environment

Strategic Plan Impact: Infrastructure...Connecting the Community

Comprehensive Plan Impact: Environmental Management, Infrastructure

Suggested Council Action

Approval of the amendment to Chapter 22 of the City Code relating to Industrial Pretreatment Requirements.

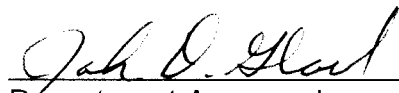
City of Columbia

701 East Broadway, Columbia, Missouri 65201

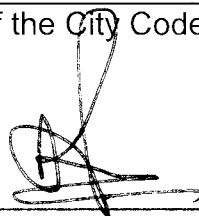


Legislative History

6/15/15 (REP68-15) Proposed Revisions to Chapter 22 of the City Code relating to Industrial Pretreatment Requirements.

A handwritten signature in black ink, appearing to read "John D. Hunt", written over a horizontal line.

Department Approved

A handwritten signature in black ink, written over a horizontal line.

City Manager Approved

Introduced by _____

First Reading _____

Second Reading _____

Ordinance No. _____

Council Bill No. B 289-15

AN ORDINANCE

amending Chapter 22 of the City Code as it relates to industrial pretreatment requirements for the Columbia Regional Wastewater Treatment Facility; and fixing the time when this ordinance shall become effective.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLUMBIA, MISSOURI, AS FOLLOWS:

SECTION 1. Chapter 22 of the Code of Ordinances of the City of Columbia, Missouri, is hereby amended as follows:

Material to be deleted in ~~strikeout~~; material to be added underlined.

Sec. 22-210. Definitions.

The following words and terms as used in this article shall be deemed to mean and be construed as follows, unless the context specifically indicates otherwise:

Best Management Practices (BMP). Schedules of activities, prohibitions of practices, maintenance procedures and other management practices to implement the prohibitions listed in section 22-217 of this chapter, or pollutants that may bypass or pass through the Publicly Owned Treatment Works (POTW) or have an adverse effect upon the wastewater treatment process or the receiving stream. Best management practices may include a physical, chemical, structural, or managerial practice or device that can help achieve compliance with article VI of this chapter.

Bi-Monthly. Once every other month.

...

Bypass. Means the ~~intentional~~ diversion of ~~wastewater wastes~~ from any portion of a wastewater treatment facility or sewer system to waters of the state.

...

Industrial wastewater. The water-carried wastes or liquid wastes from industrial or commercial processes as distinguished from domestic wastewater.

~~Instantaneous maximum concentration. The maximum concentration allowed in any single grab sample.~~

Interference. The inhibition or disruption of the City of Columbia's wastewater system or operations or its processing, use or disposal of sludge, by a user's discharge which alone or in conjunction with other discharges, causes, or contributes to the inhibition or disruption and which: (a) causes a violation of any requirement of the City of Columbia's NPDES Permit (including an increase in the magnitude or duration of a violation); or (b) prevents the use or disposal of sludge by the City of Columbia in compliance with the following statutes and regulations: Section 503 of the Clean Water Act; the Solid Waste Disposal Act; including Title II commonly referred to as the Resource Conservation and Recovery Act (RCRA); any state regulations contained in any state sludge management plan prepared pursuant to Subtitle D of the Solid Waste Disposal Act; the Clean Air Act; the Toxic Substances Control Act; or any more stringent state or local regulations. A user contributes interference when the user:

...

Normal wastewater. Wastewater which contains not over two hundred forty (240) mg/l of total suspended solids and not over two hundred (200) mg/l of BOD, and which does not contain any of the materials or substances listed in sections 22-215 and 22-215.1 in excess of allowable amounts specified in those sections.

North American Industry Classification System (NAICS). The standard used by federal statistical agencies in classifying business establishments for the purpose of collecting, analyzing, and publishing statistical data related to the United States business economy.

...

~~Significant industrial user (SIU). Noncategorical industry with >25,000 GPD; >5% of dry weather hydraulic or organic capacity; categorical industry; any industrial user designated by C.A. to have a reasonable potential to adversely affect POTW's operation.~~

(1) Except as provided in paragraphs (2) and (3) of this section the term significant industrial user means:

(i) All industrial users subject to categorical pretreatment standards as listed in 10 CSR 20-6.100(2) and (3); and

(ii) Any other industrial user that: discharges an average of 25,000 gallons per day or more of process wastewater to the POTW (excluding sanitary, noncontact cooling and boiler blowdown wastewater); contributes a process wastestream which makes up five (5) percent or more of the average dry weather hydraulic or organic capacity of the POTW treatment plant; or is designated as such by the control authority on the basis that the industrial user has a reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement.

- (2) The control authority may determine that an industrial user subject to categorical pretreatment standards is a non-significant categorical industrial user rather than a significant industrial user on a finding that the industrial user never discharges more than one hundred (100) gallons per day (gpd) of total categorical wastewater (excluding sanitary non-contact cooling and boiler blowdown wastewater, unless specifically included in the Pretreatment Standard) and the following conditions are met:
- (i) The industrial user, prior to the control authority's finding, has consistently complied with all applicable categorical pretreatment standards and requirements;
 - (ii) The industrial user annually submits the certification statement required in 40 CFR 403.12(g) together with any additional information necessary to support the certification statement; and
 - (iii) The industrial user never discharges any untreated concentrated wastewater.
- (3) Upon a finding that an industrial user meeting the criteria in paragraph (1)(ii) of this section has no reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standards or requirement, the control authority may at any time, on its own initiative or in response to a petition received from an industrial user or POTW, and in accordance with 40 CFR 403.8(f)(6), determine that such industrial user is not a significant industrial user.

...

Sec. 22-210.01. Missouri General Pretreatment Regulation.

The Environmental Protection Agency federal regulation, 40 CFR Parts 403 through 471, inclusive, have been incorporated by reference with substitutions and modifications as defined by and set forth into Missouri state regulation 10 CSR 20-6.100.

Any federal regulation 40 CFR Parts 403 through 471, inclusive, referenced in this chapter and article of the City of Columbia, Missouri Code of Ordinances shall be interpreted with all substitutions and modifications as set forth in 10 CSR 20-6.100.

...

Sec. 22-215.01. Grease traps.

(a) Every food establishment, restaurant or facility which has the potential to discharge waste water containing animal or vegetable fats, oils, grease or solids shall have installed the appropriate grease trap or interceptor device to prevent the discharge or concentration of such substances into the sewers. All such grease traps or interceptor

devices shall be installed as set out in the Plumbing Code of Columbia, Missouri adopted in section 6-51 and any applicable amendments in section 6-52 of this Code.

(b) Every food service establishment, restaurant or facility required to have a grease trap or interceptor device shall develop a cleaning schedule and shall have such devices serviced, maintained, inspected and cleaned, at the establishment's expense, as frequently as required to prevent discharge of grease into the sanitary sewers. The establishment shall maintain detailed records of such inspection and maintenance in a manner acceptable to the director. Records will remain on file for at least ~~three (3)~~ five (5) years.

. . .

Sec. 22-215.05. Specific pollutant limitations.

(a) Categorical pretreatment standards: Any industrial user having process waste streams which are subject to any federal categorical pretreatment standards either currently in effect or promulgated or modified after the effective date of this ordinance shall comply with the requirements of such standards. ~~All e~~Categorical pretreatment standards as listed in 10 CSR 20-6.100(2) and (3) established pursuant to 40 CFR Chapter One, Subchapter N, are hereby incorporated by reference and are fully enforceable under this ordinance the same as if fully set out herein. Limitations established in such standards shall apply to the treated effluents from the processes regulated by the standard, unless otherwise specified by the standard. When the limits in a categorical pretreatment standard are production based, the director may convert the limits to equivalent mass or concentration for purposes of calculating effluent limitations applicable to individual users. Where regulated process effluents can not be sampled prior to mixing with other wastestreams, alternative limits for the mixed effluent may be established by the director using the combined wastestream formula subject to the provisions of 40 CFR 403.6(e). All users subject to categorical pretreatment standards are also obligated under federal law to comply with the City of Columbia's discharge limitations specified in sections 22-215 and 22-215.05 of this ordinance. When a pollutant in a user's discharge is subject to both a limit from a categorical pretreatment standard and a City of Columbia limit at the same sampling point, the most strict limit shall apply.

. . .

Sec. 22-216.3. Discharge permits.

The director is authorized to establish local pretreatment standards and conditions for all wastewater discharged into city sewer systems. In order to enforce local, state and federal pretreatment standards, the director is authorized to require discharge permits of any person prior to that person discharging wastewater into any city sewer.

- (1) As a condition of issuing a discharge permit, the director may require any permit applicant to sample the discharge, analyze the sample and record and report the results at frequencies and with methods determined by the director.

...

- (6) An expired permit will continue to be effective and enforceable until the permit is reissued if:
- a. The permittee has submitted a complete permit application at least ninety (90) days prior to the expiration date of the user's existing permit.
 - b. The failure to reissue the permit, prior to expiration of the previous permit, is not due to any act or failure to act on the part of the permittee.

...

- (7) Permits shall not be transferable without a minimum thirty (30) day notification to the director and a copy of the permit provided to the new owner or operator. The new owner or operator within thirty (30) days of transfer of ownership or operation shall submit to the director an industrial user permit application for modification of the permit indicating changes to the company name, signatory authority, designated facility contact, and any changes in industrial operations.

...

Sec. 22-217. Violations; penalties.

- (a) If any person is found to be violating any provision of this article, the director may, at his discretion, pursue any combination of the following remedies:

...

- (c) If any person shall fail to remedy a violation after notice of the violation from the director and any hearing required under this article, the director is authorized to do any combination of the following: revoke any discharge permit previously granted; discontinue sewer service to that person; use city or contract forces to remedy the violation and charge the costs of the remedy to the sewer utility account of that person.

- (d) If any discharge which appears to present an imminent endangerment to the health or welfare of persons, the director shall have the authority to immediately and effectively halt or prevent any discharge of pollutants.

- ~~(d-e)~~ A list of contributors who were in significant noncompliance with the provisions of this article during the twelve (12) previous months shall be annually published by the director in a local newspaper. The notification shall also summarize any enforcement action taken against the contributors during the same twelve (12) months. For the purposes of this provision, significant noncompliance are violations which meet one of the following criteria:

...

Sec. 22-219. Testing, reporting and recordkeeping.

(a) Any person discharging other than domestic wastewater to the city sewers shall submit to the director at such intervals as he may prescribe a report accurately describing the character and quantity of all such wastes discharged in the city sewers during the period covered by the report. In order to ensure compliance with these provisions, the director may at any time take such measurements, collect such samples, and run such laboratory analyses at the contributor's expense on representative samples of any waste as may be deemed necessary. All tests performed by the city or by the owner for submittal to the city shall be in accordance with standard laboratory methods as set forth in section 22-219.2.

(b) All records, books, documents, memoranda, reports, correspondence and any and all summaries thereof relating to monitoring, sampling, ~~and chemical analysis, and~~ documentation associated with best management practices shall be kept for not less than ~~three (3)~~ five (5) years.

(c) Records of sampling, ~~and analyses, and~~ documentation associated with best management practices shall include, but are not limited to, the following:

...

Sec. 22-219.2. Reporting guidelines.

(a) Within either one hundred eighty (180) days after the effective date of a categorical pretreatment standard, or the final administrative decision on a category determination under 40 CFR 403.6(a)(4), whichever is later, existing categorical users currently discharging to or scheduled to discharge to the POTW shall submit to the director a report which contains the information listed in paragraph (b) below. At least ninety (90) days prior to commencement of their discharge, new sources, and sources that become categorical users subsequent to the promulgation of an applicable categorical standard, shall submit to the director a report which contains the information listed in paragraph (b) below. A new source shall report the method of pretreatment it intends to use to meet applicable categorical standards. A new source also shall give estimates of its anticipated flow and quantity of pollutants to be discharged.

...

(d) Periodic compliance reports.

(1) All significant industrial users shall, at a frequency determined by the director but in no case less than twice per year (in June and December), submit a report indicating the nature and concentration of pollutants in the discharge which are limited by pretreatment standards and the measured or estimated average and maximum daily flows for the reporting period. In

cases where the pretreatment standard requires compliance with best management practices, the user shall submit documentation required by the control authority or the pretreatment standard necessary to determine the compliance status of the user. All periodic compliance reports must be signed and certified in accordance with section 22-220 of this ordinance.

...

Sec. 22-219.7. Notification of hazardous waste.

Any industrial user who discharges a hazardous waste as defined in 40 CFR part 261, shall immediately notify the director and within five (5) days following such discharge submit a written notice. Such notification shall include the name of the hazardous waste as set in 40 CFR part 261, the EPA hazardous waste number, the chemical abstracts number (CAS), the concentration of the hazardous waste, the volume discharged, and the type of discharge (continuous, batch, or other). The director shall determine whether such hazardous waste shall be prohibited from or may be admitted to the city sewers or shall be modified or treated before being admitted.

...

Sec. 22-220. Certification statement.

(a) All wastewater discharge permit applications and user reports must be signed by an authorized representative of the user and contain the following certification statement: "I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

(b) Non-significant categorical industrial user reports must be signed by an authorized representative of the user and contain the following certification statement:

"Based on my inquiry of the person or persons directly responsible for managing compliance with the categorical pretreatment standards under 40 CFR _____, I certify that, to the best of my knowledge and belief that during the period from _____, _____ to _____, _____, _____, _____ [month, day, year]:

(a) The facility described as _____ [facility name] met the definition of a non-significant categorical industrial user as described in section 22-210 SIU(2);

- (b) The facility complied with all applicable pretreatment standards and requirements during this reporting period;
- (c) The facility never discharged more than one hundred (100) gallons of total categorical wastewater on any given day during this reporting period.

This compliance certification is based upon the following information:

(b-c) The certification statement shall be signed as required in (1), (2), or (3) below:

(1) By a responsible corporate officer, if the industrial user submitting the reports is a corporation. For the purpose of this paragraph, a responsible corporate officer means:

a. A president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy-making or decision-making functions for the corporation; or

b. ~~The manager of one or more manufacturing, production, or operation facilities, employing more than two hundred fifty (250) persons or having gross annual sales or expenditures exceeding twenty-five million dollars (\$25,000,000.00) (in second quarter 1980 dollars), if provided, the manager is authorized to make management decisions which govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiate and direct other comprehensive measures to assure long-term environmental compliance with environmental laws and regulations; can ensure that the necessary systems are established or actions taken to gather complete and accurate information for control mechanism requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.~~

(2) By a duly authorized representative of the individual designated in subsection (1) of this section if:

...

Sec. 22-222. Accidental discharges/slug control plans.

(a) At least once every ~~two (2) years~~ permit cycle, the director shall evaluate whether each significant industrial user needs an accidental discharge/slug control plan. The director may require any user to develop, submit for approval, and implement such a plan. Alternatively, the director may develop such a plan for any user. An accidental discharge/slug control plan shall address, at a minimum, the following:

. . .

(b) Significant industrial users shall notify the POTW immediately of any changes at its facility affecting the potential for a slug discharge.

. . .

Sec. 22-224. Special agreements.

Special agreements, arrangements or contracts may be entered into between the city and any industrial concern whereby industrial waste of unusual strength or character may be accepted by the city for treatment subject to the rate and cost as established by the city council. This section does not pertain to significant industrial users subject to categorical pretreatment standards as defined in section 22-210.

SECTION 2. This ordinance shall be in full force and effect from and after its passage.

PASSED this _____ day of _____, 2015.

ATTEST:

City Clerk

Mayor and Presiding Officer

APPROVED AS TO FORM:

City Counselor



SUPPORTING DOCUMENTS INCLUDED WITH THIS AGENDA ITEM ARE AS FOLLOWS:

MDNR Approval of Pretreatment Program Modifications

STATE OF MISSOURI Jeremiah W. (Jay) Nixon, Governor • Sara Parker Padley, Director
DEPARTMENT OF NATURAL RESOURCES

www.dnr.mo.gov

SEP 04 2015

Mr. David A. Sorrell, P.E.
Engineering Manager, Department of Public Works
City of Columbia
P.O. Box 6015
Columbia, MO 65205

RE: Approval of Pretreatment Program Modifications, City of Columbia,
Columbia Regional Wastewater Treatment Plant, MO-0097837

Dear Mr. Sorrell:

Thank you for submitting the pretreatment program modifications received on August 21, 2015, for our review. We received your draft Industrial Pretreatment Ordinances, Chapter 22, Article VI of City Code, which include updates.

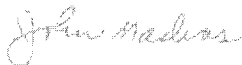
The revised ordinance incorporates changes in the state of Missouri's general pretreatment regulation, 10 CSR 20-6.100, effective October 30, 2012, which adopts by reference the federal General Pretreatment Regulations, 40 CFR 403. Incorporating the 2005 updates to the federal rule in your ordinance is a non-substantial modification of your pretreatment program, according to the federal register notice at 70 FR 60187.

These changes do not require public notice and are hereby approved pursuant to 40 CFR 403.18 (adopted in 10 CSR 20-6.100).

Any questions about this approval or other questions regarding the city's pretreatment program may be directed to Mr. Walter Fett at walter.fett@dnr.mo.gov, by phone at (573) 526-4589, or by mail at the Department of Natural Resources, Water Protection Program, P.O. Box 176, Jefferson City, Missouri 65102.

Sincerely

WATER PROTECTION PROGRAM



John Madras
Director

JM:wfk

c: Mr. John D. Glascock, P.E., City of Columbia
Mr. Craig Cuvellier, City of Columbia
Mr. Paul Marshall, Environmental Protection Agency, Region 7
Mr. Scott Adams, Northeast Regional Office