

MSD Legislative Fact Sheet



Gérald R. Checco
Director, MSD

1/23/2018

PROJECT IDENTIFIERS:

MSD RULES AND REGULATIONS

AMENDING ARTICLE XV, "PRETREATMENT"
SECTION 1502.4, "LOCAL LIMITS"

LEGISLATIVE ACTION REQUESTED:

- | | | | |
|---|--|---|--|
| <input type="checkbox"/> DESIGN ¹ | <input type="checkbox"/> ADD'L DESIGN ² | <input type="checkbox"/> EASEMENT OR REAL PROPERTY APPROPRIATION ³ | <input type="checkbox"/> CONSTRUCTION ⁴ |
| <input type="checkbox"/> ADD'L CONST ⁵ | <input type="checkbox"/> AMEND CIP ⁶ | <input checked="" type="checkbox"/> OTHER ⁷ : Resolution amending the <u>RULES AND REGULATIONS GOVERNING THE DESIGN, CONSTRUCTION, MAINTENANCE, OPERATION AND USE OF SANITARY AND COMBINED SEWERS</u> at Section 1502.4, "Local Limits." | |

PROJECT TYPE:

- | | | |
|---|---|----------------------------------|
| <input type="checkbox"/> PROJECT GROUNDWORK / WWIP | PG / WWIP Activity ID: _____ | PG / WWIP Milestone Dates: _____ |
| <input type="checkbox"/> PROJECT GROUNDWORK / ASSET MANAGEMENT | <input type="checkbox"/> SUSTAINABLE INFRASTRUCTURE | |
| <input checked="" type="checkbox"/> OTHER: <u>MSD Rules and Regulations</u> | | |

PROJECT PURPOSE:

The current request is to amend the RULES AND REGULATIONS GOVERNING THE DESIGN, CONSTRUCTION, MAINTENANCE, OPERATION AND USE OF SANITARY AND COMBINED SEWERS ("MSD Rules and Regulations") at Article XV, "Pretreatment," Section 1502.4, "Local Limits," to incorporate updated technically justified local limits for the Indian Creek, Little Miami, Mill Creek, Muddy Creek, Polk Run, Sycamore Creek and Taylor Creek Wastewater Treatment Plants. Each of these treatment plants renewed NPDES permit requires MSD to re-evaluate its Local Limits. MSD's last instance of when this re-evaluation required changes in local limits was in 2001. This update is now necessary to comply with the Federal Rule (40 CFR 403.5(c)(1) and 403.8(f)(4) and current MSD NPDES permits.

A summary of the proposed amendments to the MSD Rules and Regulations, Section 1502.4, will:

1. Add Technically Justified Local Limits for Indian Creek and Taylor Creek Wastewater Treatment Plants,
2. Add a Selenium limit of 40 mg/L to Polk Run Wastewater Treatment Plant local limits,
3. Remove Amenable Cyanide local limits at all Wastewater Treatment Plants,
4. Makes minor grammatical changes to Section 1502.4 to align codes with the iPACs pretreatment database.

1. **Design** = 1 resolution - authorizing preparation of detailed plans, specifications, and estimate of cost and appropriating funds for the same.
2. **Add'l Design** = 1 resolution - appropriating additional funds for design.
3. **Easement / Real Property Appropriation** = 3 resolutions - approving detailed plans, specifications and estimate of cost; declaring project necessity and intent to proceed with construction; appropriating easements or full fee takes.
4. **Construction** = 4 resolutions - approving detailed plans, specifications and estimate of cost; declaring project necessity and intent to proceed with construction; appropriating funds for construction; authorizing project advertisement & bid.
5. **Add'l Construction** = 3 resolutions - amending approved detailed plans, specifications and estimate of cost; amending project necessity and proceed resolutions; appropriating add'l funds for construction.
6. **Amend CIP** = 1 resolution - adding proposed project to program year Capital Improvement Plan.
7. **Other** = Resolutions not covered above. Purpose is listed.

PROJECT PURPOSE *(cont.)*

Title 40 Code of Federal Regulations, Sections 403.5(c)(1) and 403.8(f)(4) require development and enforcement of local limits. Additionally, development and adoption of local limits is a requirement of MSD's current NPDES permits. Since December 4, 1968, MSD has incorporated limits of toxic materials that can be discharged into the public sewer system. These materials have been and are restricted to prevent interference with the operation of wastewater treatment plants, prevent pass-through of the treatment plants, protect worker safety, promote the reuse of sludge, and enable MSD to comply with its NPDES permit requirements. Since different plants have different treatment capabilities, different limits are calculated for each plant.

Proposed changes are contained in Exhibit A. MSD engaged an engineering firm with experience calculating local limits to develop this data. (**Fact Sheet Attachment 1**). The firm used water quality criteria from the NPDES permits, Title 40 Code of Federal Regulations 503 Sludge Regulations, and literature values for activated sludge process inhibitions. Removal rates were then used to determine the allowable headworks loadings for each pollutant, then a safety factor of 10% was applied, and the uniform concentration limits were calculated.

Ohio EPA reviewed the proposed modifications and requires them to be finalized and approved by the Board before that agency can take its final action to approve the modifications (**Fact Sheet Attachment 2**).

A timeline of the process is outlined in **Fact Sheet Attachment 3**.

The updated limits apply district-wide, with differences in each treatment basin based on the capability of each wastewater treatment plant. The updated limits are not expected to have any material effect on the District, since MSD already samples for these pollutants. One industrial customer will have increase monitoring for one additional pollutant four times per year at an expected cost to the customer of approximately \$150.00. Based on previous sampling, this customer is expected to meet the proposed limits.

This change, once adopted, will be communicated to all permitted MSD customers.

BACKGROUND DATA, SCHEDULES, AND BUDGET:

PRIOR LEGISLATION

ACTION TAKEN	DATE	NOTE
MSD Rules & Regs Amendment (for this Section)	4/13/2011	Approved

FUTURE LEGISLATION N/A

CONSTRUCTION N/A

CIP N/A

FUNDING REQUEST N/A

BUDGET SPECIFICS N/A

EXHIBIT A

ARTICLE XV
 (Showing 2018 Modifications – Highlighted,
Bolded, Underlined, in Red Text)

PRETREATMENT

1502.4 Local Limits (Modified 2018)

- A. The Director is authorized to establish Local Limits pursuant to 40 CFR 403.5(c).
- B. The following pollutant limits are established to protect against Pass Through and Interference. Wastewater containing pollutants in excess of the limits listed below shall not be discharged. Local Limits are determined as required for each NPDES permit and are applicable to the sewer drainage into that treatment plant. **IND = Indian Creek WWTP; ~~MIA~~ LIT = Little Miami WWTP; MIL = Mill Creek WWTP; MUD = Muddy Creek WWTP; ~~LOV~~ POL = Polk Run WWTP, SYC = Sycamore Creek WWTP; TAY = Taylor Creek WWTP.**

Pollutant	IND	MIA LIT	MIL	MUD	LOV POL	SYC	TAY
Cadmium (Total) mg/L	0.52	0.3	6.0	6.0	6.0	6.0	0.52
Chromium (Total) mg/L	10.0	10.0	10.0	10.0	10.0	10.0	10.0
Chromium (+6) mg/L	NA	0.9	NA	NA	NA	NA	NA
Copper (Total) mg/L	1.53	2.2	10.0	10.0	1.53	1.53	4.6
Lead (Total) mg/L	6.0	5.7	6.0	6.0	6.0	6.0	5.4
Mercury (Total) mg/L	0.001	0.02	0.02	0.02	0.0005	0.0005	0.001
Nickel (Total) mg/L	7.8	10.0	10.0	10.0	10.0	10.0	10.0
Selenium (Total) mg/L	NA	NA	NA	NA	40.0	NA	0.31
Silver (Total) mg/L	NA	1.0	NA	NA	NA	NA	NA
Zinc (Total) mg/L	3.8	10.0	10.0	10.0	2.0	2.0	3.8
Cyanide (Total) mg/L	15.0	15.0	15.0	15.0	15.0	15.0	15.0
Cyanide (Free) mg/L	3.0	3.0	3.0	3.0	3.0	3.0	3.0
Cyanide (Amenable) mg/L		3.0	NA	NA	3.0	3.0	

The above limits apply at the point where the wastewater is discharged to the POTW. All concentrations for metallic substances are for total metal unless indicated otherwise. The Director may impose mass limitations in addition to the concentration-based limitations above.

- C. The Director may develop Best Management Practices (BMPs), by MSD R & R or in individual wastewater discharge permits or in General Wastewater Discharge Permits, to implement Local Limits and the requirements of Article XV.

ARTICLE XV
 PRETREATMENT

1502.4 Local Limits (Modified 2018)

- A. The Director is authorized to establish Local Limits pursuant to 40 CFR 403.5(c).
- B. The following pollutant limits are established to protect against Pass Through and Interference. Wastewater containing pollutants in excess of the limits listed below shall not be discharged. Local Limits are determined as required for each NPDES permit and are applicable to the sewer drainage into that treatment plant. IND = Indian Creek WWTP; LIT = Little Miami WWTP; MIL = Mill Creek WWTP; MUD = Muddy Creek WWTP; POL = Polk Run WWTP, SYC = Sycamore Creek WWTP; TAY = Taylor Creek WWTP.

Pollutant	IND	LIT	MIL	MUD	POL	SYC	TAY
Cadmium (Total) mg/L	0.52	0.3	6.0	6.0	6.0	6.0	0.52
Chromium (Total) mg/L	10.0	10.0	10.0	10.0	10.0	10.0	10.0
Chromium (+6) mg/L	NA	0.9	NA	NA	NA	NA	NA
Copper (Total) mg/L	1.53	2.2	10.0	10.0	1.53	1.53	4.6
Lead (Total) mg/L	6.0	5.7	6.0	6.0	6.0	6.0	5.4
Mercury (Total) mg/L	0.001	0.02	0.02	0.02	0.0005	0.0005	0.001
Nickel (Total) mg/L	7.8	10.0	10.0	10.0	10.0	10.0	10.0
Selenium (Total) mg/L	NA	NA	NA	NA	40.0	NA	0.31
Silver (Total) mg/L	NA	1.0	NA	NA	NA	NA	NA
Zinc (Total) mg/L	3.8	10.0	10.0	10.0	2.0	2.0	3.8
Cyanide (Total) mg/L	15.0	15.0	15.0	15.0	15.0	15.0	15.0
Cyanide (Free) mg/L	3.0	3.0	3.0	3.0	3.0	3.0	3.0

The above limits apply at the point where the wastewater is discharged to the POTW. All concentrations for metallic substances are for total metal unless indicated otherwise. The Director may impose mass limitations in addition to the concentration-based limitations above.

- C. The Director may develop Best Management Practices (BMPs), by MSD R & R or in individual wastewater discharge permits or in General Wastewater Discharge Permits, to implement Local Limits and the requirements of Article XV.

January 23, 2018

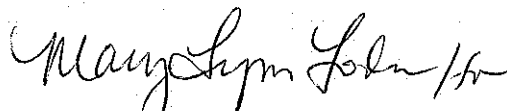
Honorable Board of County Commissioners
Hamilton County, Ohio
% Mr. Jeff Aluotto
Hamilton County Administrator
County Administration Building
138 E. Court Street, Room 603
Cincinnati, Ohio 45202

Honorable Commissioners:

Enclosed for your consideration and approval is a resolution pertaining to proposed amendment to the Article XV, "Pretreatment," of the RULES AND REGULATIONS GOVERNING THE DESIGN, CONSTRUCTION, MAINTENANCE, OPERATION AND USE OF SANITARY AND COMBINED SEWERS for the Metropolitan Sewer District of Greater Cincinnati ("MSD Rules and Regulations"). This proposed amendment addresses modifications to Section 1502.4, "Local Limits" that is needed for the Sewer District to comply with the Federal Rule (40 CFR 403.5(c)(1) and 403.8(f)(4) and current MSD NPDES permits for Indian Creek, Little Miami, Mill Creek, Muddy Creek, Polk Run, Sycamore Creek and Taylor Creek Wastewater Treatment Plants.

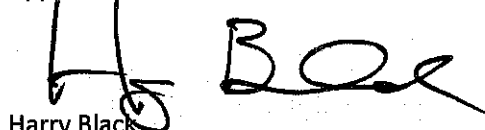
The Board is scheduled to conduct a public hearing, as required under Section 5.2 (b) of the 1968 Hamilton County-City of Cincinnati Management Agreement for MSD, on **March 14, 2018** for the amendment of this section of the MSD Rules and Regulations. MSD advertised the public hearing in a newspaper of general circulation, as well as notified interested parties of the public hearing.

RECOMMENDED:



Gérald R. Checco
Director, MSD

Approved:



Harry Black
City Manager

Provided to the Hamilton County Clerk of the Board on 1.25.18.

Reviewed by _____, and recommended by County Administration.

On motion of _____, seconded by _____, the following resolution was adopted....

MSD RESOLUTION

AMENDING THE RULES AND REGULATIONS GOVERNING THE DESIGN, CONSTRUCTION, MAINTENANCE,
OPERATION AND USE OF SANITARY AND COMBINED SEWERS
OF THE
METROPOLITAN SEWER DISTRICT OF GREATER CINCINNATI
HAMILTON COUNTY, OHIO

ARTICLE XV, "PRETREATMENT"
SECTION 1502.4, "LOCAL LIMITS"

WHEREAS, Section 6117.01 of the Revised Code of Ohio and Sections IV and V of the 1968 Management Agreement between Hamilton County and the City of Cincinnati for the Metropolitan Sewer District ("1968 Agreement") vests the Board of County Commissioners of Hamilton County, Ohio (the "Board"), with the authority to adopt and implement rules and regulations for the Metropolitan Sewer District of Greater Cincinnati ("MSD"); and

WHEREAS the Board did, on January 24, 2001 pursuant to and consistent with Article V, Paragraph 2(b) of the 1968 Agreement, after public hearing, adopt RULES AND REGULATIONS GOVERNING THE DESIGN, CONSTRUCTION, MAINTENANCE, OPERATION AND USE OF SANITARY AND COMBINED SEWERS ("MSD Rules and Regulations"), and as subsequently amended between 2001 - 2016; and

WHEREAS, on April 13, 2011, the Board did amend the MSD Rules and Regulations, to revise Article XV, from "INDUSTRIAL WASTE" to "PRETREATMENT," and at Section 1502.4, "Local Limits"; and

WHEREAS, the Director of MSD, under Article XV, Section 1502.4 of the MSD Rules and Regulations is authorized to establish Local Limits pursuant to 40 CFR 403.5(c); and

WHEREAS, THE City of Cincinnati, through its Department of Sewers (the "City") as the sole management agency for the operation and maintenance of the sewer system on behalf of the MSD and the Director of MSD recommends to this Board that Article XV, Section 1502.4 of the MSD Rules and Regulations should be further amended as attached hereto and by this reference made a part hereof as **EXHIBIT A**; and

WHEREAS, the Board did, pursuant to and consistent with Article V, Paragraph 2(b) of the 1968 Agreement, hold and conclude a public hearing on amendment to Article XV of the MSD Rules and Regulations on _____, affording public comment on the same; and

WHEREAS, legal counsels for the City and the County have reviewed said amendment of the MSD Rules and Regulations.

NOW, THEREFORE, BE IT RESOLVED, by this Board of County Commissioners of Hamilton County, Ohio that Article XV, Section 1502.4 of the MSD Rules and Regulations is hereby amended by the modifications as contained in **EXHIBIT A**.

BE IT FURTHER RESOLVED that these amendments to Article XV, Section 1502.4 of the MSD Rules and Regulations are effective as of the date of the adoption of this resolution.

BE IT FURTHER RESOLVED, that this Board of County Commissioners hereby finds and determines that all formal actions relative to the adoption of this Resolution were taken in an open meeting of the Board of County Commissioners and that all deliberations of this Board of County Commissioners and of its committees, if any, which resulted in formal action were taken in meetings open to the public, in full compliance with applicable legal requirements, including Section 121.22 of the Ohio Revised Code.

ADOPTED at a regularly adjourned meeting of the Board of County Commissioners of Hamilton County, Ohio, this ____ day of _____, 2018.

Ms. Driehaus _____

Mr. Monzel _____

Mr. Portune _____

CERTIFICATE OF CLERK

IT IS HEREBY CERTIFIED that the foregoing is a true and correct transcript of a resolution adopted by the Board of County Commissioners in session this _____ day of _____ 2018.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Official Seal of the Office of the Board of County Commissioners of Hamilton County, Ohio this _____ day of _____ 2018.

Jacqueline Panioto, Clerk
Board of County Commissioners
Hamilton County, Ohio