64.

CITY AT THE CENTER
WEST ALLIS

City of West Allis
Matter Summary

7525 W. Greenfield Ave.
West Allis, WI 53214

File Number	Title	Status
2007-0066	**Communication**	**In Committee**

Communication from MMSD regarding Notice of Public Comment Period regarding proposed amendments to Chapter 11, MMSD rules, Discharge Regulations and Enforcement Procedures, to be held on March 1 at 10:00 a.m.

Introduced: 2/6/2007 **Controlling Body:** Public Works Committee

COMMITTEE RECOMMENDATION PLACE ON FILE

ACTION DATE: 2-6-07

	MOVER	SECONDER		AYE	NO	PRESENT	EXCUSED
			Barczak				
			Czaplewski				
			Dobrowski				✓
		✓	Kopplin	✓			
			Lajsic				
			Narlock	✓			
			Reinke				
	✓		Sengstock	✓			
			Vitale	✓			
			Weigel				
			TOTAL	4	0		1

SIGNATURE OF COMMITTEE MEMBER

Chair Vice-Chair Member

COMMON COUNCIL ACTION **PLACE ON FILE**

ACTION DATE: FEB 06 2007

	MOVER	SECONDER		AYE	NO	PRESENT	EXCUSED
			Barczak	✓			
			Czaplewski	✓			
			Dobrowski				✓
			Kopplin	✓			
			Lajsic	✓			
	✓		Narlock	✓			
		✓	Reinke	✓			
			Sengstock	✓			
			Vitale	✓			
			Weigel	✓			
			TOTAL	9	0		1

STANDING COMMITTEES OF THE CITY OF WEST ALLIS COMMON COUNCIL 2004

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Chair: Michael J. Czaplewski
Vice-Chair: Martin J. Weigel
Gary T. Barczak
Thomas G. Lajsic
Rosalie L. Reinke

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MMSD

Preserving The Environment •
Improving Water Quality

1/30/07

City of West Allis
Paul Ziehler, Clerk
7525 West Greenfield Avenue
West Allis, WI 53214

milwaukee metropolitan sewerage district
260 W. Seeboth Street, Milwaukee WI 53204-1446

Preserving The Environment •
Improving Water Quality

RECEIVED
JAN 30 2007
CITY OF WEST ALLIS
CLERK/TREASURER

Milwaukee Metropolitan Sewerage District
Notice of Public Comment Period
Regarding Proposed Amendments to Chapter 11, MMSD Rules, *Discharge Regulations and Enforcement Procedures*

The Milwaukee Metropolitan Sewerage District (District) seeks comments regarding proposed amendments to Chapter 11, MMSD Rules. The purpose of the amendments is to ensure consistency with federal regulations and make other updates and clarifications. The District is responding to recent amendments to the federal *General Pretreatment Regulations for Existing and New Sources of Pollution,* 40 CFR 403 (70 Fed Reg 60,134; October 14, 2005)

The District enforces various discharge regulations to protect the collection system and to minimize pollutants in discharges to Lake Michigan and the District's biosolids products. These regulations are a fundamental element of the District's Pretreatment Program, which regulates discharges from industrial facilities.

The Proposed Amendments

1. Section 11.212 is amended to read:

11.212 Adjusting <u>Categorical</u> Pretreatment Standards to Account for Pollutants in the Water Supply

(1) The District may adjust categorical pretreatment standards to account for pollutants in a user's water supply if:

(a) The user has applied to the District for adjusted standards;

~~(b) The user has demonstrated that the control system it uses or proposes to use would meet the standards if the pollutants were not in the water supply; or~~

~~(c)~~<u>(b)</u> The user's water supply is drawn from the same body of water as the one into which the District discharges, unless the District finds that noncompliance with this requirement will not cause environmental degradation; and:

~~(d)~~(c) <u>1. The user has demonstrated that the control system it uses or proposes to use would meet the standards if the pollutants were not in the water supply; or</u>

cc: Mike Pertner

2. The applicable categorical pretreatment standards indicate that they may be adjusted.

* * *

2. Section 11.413 is repealed.

3. Section 11.417 is amended to read:

11.417 Signatory Requirements

* * *

(2) If the user submitting a report is a corporation, the report shall be signed by a person who has actual operational control at the user and is a ~~one of the following persons~~:

(a) President;

(b) Secretary;

(c) Treasurer;

(d) Vice-President in charge of a principal business function;

(e) ~~A~~ Person who performs similar policy-making functions for the corporation;

~~(f) The manager of one or more facilities employing more than 250 persons or having gross annual sales or expenditures exceeding $25 million in second quarter 1980 dollars if authority to sign documents has been assigned or delegated to the manager according to corporate procedures, or~~

(f) Manager of one or more manufacturing, production, or operating facilities, if:

1. The manager is authorized to make management decisions which govern the operation of the facility, including having the explicit or implement duty of making major capitol investment recommendations and initiating and directing other comprehensive measures to assure long term compliance with environmental laws and regulations;

2. The manager can ensure that the necessary systems are established or actions taken to gather complete and accurate information for permit requirements; and

3. Authority to sign documents has been assigned or delegated to the manager according to corporate procedures;

(g) ~~A~~ Representative of one of the persons listed in pars. (a) to (f) if the representative is authorized according to sub. (5).

* * *

4. Section 11.810 is amended to read:

11.810 Publication of the Names of Users in Significant Noncompliance

(1) As often as the District finds necessary but at least once per year, the District shall publish the names of the users that were in one or more of the following states of noncompliance at any time since the period covered by the previously published list:

(a) Chronic Violations

66% or more of all the measurements taken during a 6 month period exceed by any magnitude the daily maximum limit or the average limit for any one pollutant;

(b) Technical Review Criteria Violations

33% or more of all the measurements taken during a 6 month period for a particular pollutant equal or exceed the product of the daily maximum limit or the average limit for that pollutant multiplied by:

1. 1.4, for BOD, TSS, ~~fats, oil and grease~~ <u>and hexane extractable materials</u>;

2. 1.2, for all other pollutants except pH; or

3. 1 for pH;

(c) Other Violations Causing Pass Through or Interference

Any violation ~~of a daily maximum or average limit~~ that ~~the District determines~~ has caused, alone or in combination with other discharges, interference or pass through, including endangering the health of District personnel or the general public;

(d) Hazardous Discharges

A discharge of a pollutant has caused imminent endangerment to human health, welfare, or to the environment or has resulted in the exercise of District's emergency authority to halt or prevent a discharge;

(e) Failure to Follow a Compliance Schedule

Failure to start construction, complete construction, or attain compliance after the date contained in a compliance schedule;

(f) Late Report

Failure to provide, within ~~30~~ 45 days after the due date, any required report, such as a baseline monitoring report, a 90-day report, a periodic compliance report, or a progress report;

(g) Inaccurate Reporting

Failure to accurately report noncompliance; or

(h) Failure to Collect or Analyze Samples

Failure to collect samples according to the requirements established by an applicable wastewater discharge permit or to analyze samples using a method set forth in 40 CFR Part 136 or Ch. NR 219, Wis. Adm. Code, or a method specifically required by an applicable categorical pretreatment standard.

(2) The District shall publish the list required by sub. (1) in ~~the~~ a newspaper ~~with the largest~~ of general circulation in the District.

5. Section 11.823 is amended to read:

11.823 Slug Control Plans

(1) ~~At least once every two years~~ Within one year after significant industrial user designation and within one year after each permit renewal, the District shall ~~evaluate each user with a wastewater discharge permit to~~ determine the need for a slug control plan.

* * *

Opportunities to Provide Comments

The District welcomes comments. Comments may be either in writing or in person at the public hearing. The District will give comments made in writing and comments given in person equal weight. Please note that all comments become public records.

Written comments are due before 4:00 p.m. on Thursday, March 1, 2006. Address comments to the Milwaukee Metropolitan Sewerage District, Attention: Mr. Thomas A. Nowicki, 260 West Seeboth Street, Milwaukee, Wisconsin 53204-1446. You may also fax comments to 414-272-0270 or send comments via electronic mail to tnowicki@mmsd.com.

The District will hold a public hearing on Thursday March 1, at 10:00 a.m., in the Commission Hearing Room (Room 121) of District Headquarters, 260 West Seeboth Street, Milwaukee. The hearing will continue until all interested persons have had an opportunity to comment.

Upon reasonable notice, the District will accommodate the needs of disabled individuals through appropriate aids. For additional information or to request such services, contact the Commission Secretary at 225-2108(voice), 272-5227(fax) or write to the Office of the Commission, 260 West Seeboth Street, Milwaukee, Wisconsin 53204.

The District will include all comments in the rulemaking record and may make changes in the proposed rules in response to the comments. The Commission will consider the comments and the proposed response when deciding whether to adopt the proposed rules.

The exclusive procedure for judicial review of this rule is established by sec. 200.45(1)(d), Wis. Stats. Please note that proposed rules are not final agency decisions. They are not ripe for judicial review until adopted with the force and effect of law. Additionally, please note that comments, data, arguments, or other information not provided to the District during the comment period may not provide a basis for judicial review.

All current District rules are available at www.mmsd.com.