OPEN CHANNEL NEWS

MCES Industrial Waste & Pollution Prevention

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Metropolitan Council
Environmental Services

Metropolitan Council Environmental Services (MCES) is one of three divisions of the Metropolitan Council, a regional public agency working for the seven-county metropolitan area.

MCES provides water resources management services to ensure that:

(1) sufficient sewer capacity exists to serve planned development, and sufficient capital investments are made to preserve the region's water quality;

(2) wastewater collection and treatment services are provided in a cost- and quality-competitive manner for 103 communities and more than 800 industrial clients;

(3) local plans provide for adequate water supply and nonpoint source pollution prevention in the region; and

(4) local action is catalyzed through water quality grants.

What's Inside?

Keith Buttleman of the Council, left, and Richard Diercks of the Minnesota Dental Association accepted the award.

Dental Amalgam Separator Program Wins Award

The Minnesota Chapter of the American Public Works Association on Nov. 20 presented its annual "Technical Innovation Award" to the Metropolitan Council and the Minnesota Dental Association (MDA) for the joint Voluntary Dental Office Amalgam Separator Program.

The program is aimed at reducing the amount of mercury-containing dental amalgam that is getting into the regional wastewater collection and treatment system. Since the program began last January, 70 percent of the metro-area dental offices that place or remove amalgam fillings have committed to installing equipment that will separate at least 99 percent of amalgam particles from dental wastewater. The Council and the MDA hope that all such dental offices will commit to the program by next June, with installations being completed by February 2005.

In accepting the award, Keith Buttleman from the Council and Richard Diercks from the MDA attributed the program's early success to the hard work put in by both partners dating back to 1998. Together we studied how much mercury-containing amalgam is in dental clinic wastewater and explored the best options for keeping amalgam from entering wastewater in the first place. We developed the voluntary program that our governing boards approved in 2002, then kicked off the program early this year with intensive marketing to dental clinics. Although the partnership's efforts address dental offices within the Council's service area, the MDA is promoting the program statewide and is garnering a level of commitment similar to that of the Twin Cities area.

Important Dates:

December 22, 2003 – Centralized Waste Treatment (40 CFR Part 437) final compliance date
January 15, 2004 – Liquid Waste Hauler reports are due at MCES offices
January 30, 2004 – All Regular and Special Discharge quarterly, semi-annual and annual reports are due

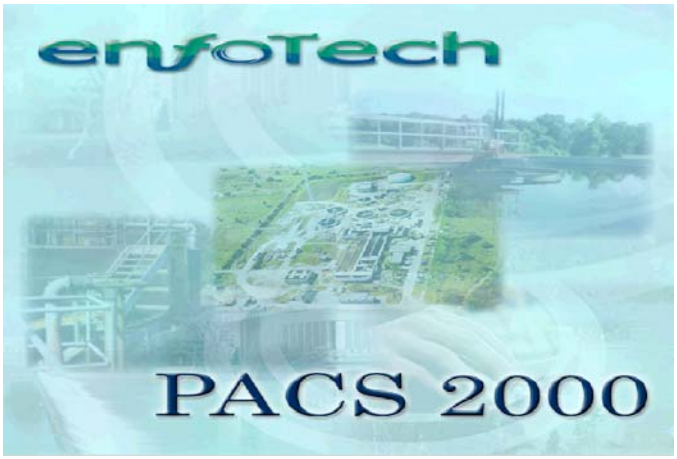
Cost Recovery to Increase

Spills and Waste Discharge Violations
When a spill damages MCES facilities or causes additional investigation and cleanup expense, MCES has the authority to charge the responsible person for necessary repairs or costs. The Waste Discharge Rules (WDR) describe this liability for spills, and the IWPP Section generates invoices when there are significant costs. Also, the WDR establish civil liability related to any WDR violation for several cost categories including "costs incurred by the Metropolitan Council for investigating and correcting the violation." Before 2003, MCES generally has not pursued cost recovery for WDR violations. During 2003, however, the IWPP Section has collected costs for violations that required an extraordinary amount of additional monitoring and expense. To ensure that MCES costs are more equitably borne by those causing additional MCES efforts, cost recovery for both spills and WDR violations will become more routine in the future. MCES intends to invoice for non-routine expenses related to spills and enforcement, but not for normal investigation and follow-up. For example, if a spill into an MCES facility requires us to hire a cleanup contractor, we will invoice the responsible person for that cost, as well as for extra MCES staff and material costs that we incur. Similarly, if we need to spend significant amounts of staff time confirming a violation, we may invoice the industrial user involved. All such invoices are subject to collection procedures specified in the WDR and Metropolitan Council policy. Note that these charges are not a penalty for a spill or violation – rather they are to recover MCES costs associated with these situations.

Notices of Violation and Order to Appear
Currently, a late fee of $100 is assessed for Notices of Violation (NOVs) issued for late self-monitoring reports. MCES is considering a similar fee for preparing NOVs for other administrative and enforcment actions, as well as a fee for each Order to Appear (OTA) that is issued. These fees are to recover administration costs; they are not a penalty for non-compliance.

Special Discharge Requests
MCES also is looking at establishing a fee structure to recover costs for processing "special discharge requests" for non-permitted facilities. Special discharge requests are normally short-term and do not require an Industrial Discharge Permit. They often require considerable staff effort to process. These fees would recover MCES costs in a manner similar to annual permit fees.

MCES will notify permittees as more information on these fees becomes available. Again, these actions would ensure that MCES costs are more equitably borne by those causing additional MCES efforts.



PACS 2000 – Our Future Business Management System

In late 2002, the MCES Industrial Waste and Pollution Prevention (IWPP) Section purchased a new business management system, the PACS 2000, from enfoTech & Consulting, Inc. The PACS, or POTW Administration & Compliance System, is an integrated software program that provides publically owned treatment works (POTWs) with essential tools to effectively manage their pretreatment program. The program includes features to help us handle mandatory pretreatment program functions, such as, administering Industrial Discharge Permits, inspecting and monitoring permitted facilities, evaluating data and compliance, and tracking enforcement actions.

The PACS 2000 will replace several data management systems developed in-house. These systems have worked well; however, with recent IWPP Section changes and system growth, it has become less efficient to work with data stored in several different systems. PACS 2000 will consolidate and manage IWPP Section data, perform numerous business functions, and position us for a future "e-business" approach with our industrial customers.

This past year, IWPP staff have worked very hard to collect information, modify forms, and define business processes to customize the PACS 2000 system to meet our needs. We are now configuring and testing the new system and will run it along with our current system until PACS 2000 goes online in April 2004. The majority of the changes in running the new system will be in-house; our industrial customers will notice only minor changes. We will notify those affected by the changes in advance.

Understanding Your Categorical Limits!

The MCES Industrial Waste & Pollution Prevention Section, through its federally delegated Pretreatment Program, is responsible for enforcing both Local Pretreatment Standards (Local Limits) and EPA Categorical Pretreatment Standards (Categorical Limits). The Industrial Discharge Permits issued by IWPP contain Local Limits, Categorical Limits or a combination of the two.

Local Limits are technically derived by MCES soley to protect its wastewater treatment plants, and ensure compliance with their NPDES permits. Local Limits apply at the total facility discharge of an Industrial User (IU), which includes industrial and domestic wastewater, and other non-production sources.

EPA Categorical Limits are derived for certain categories of industry that, because of the similarity of their base operations, have similar wastewater discharge characteristics. Developed by EPA, they are based on what EPA determines is a reasonably attainable limit once the wastewater has been treated by the "best available" treatment technology. Categorical limits apply at the end of the process, or directly after pretreatment, prior to the co-mingling of dilution streams such as domestic wastewater and non-contact cooling water. In instances where there is a Local Limit and a Categorical Limit for the same parameter, the most stringent limit applies.

Another difference is that while Local Limits are based only on a maximum daily allowable limit, most **Categorical Limits have both a maximum daily allowable limit and a long-term average limit that is more stringent** (usually a monthly average limit). EPA's reasoning behind this two-tiered system is that due to fluctuations in production and the performance of pretreatment systems, occasionally there will be spikes in the concentrations of the regulated parameters in a facility's wastewater discharge. The maximum daily limit accounts for this, while over extended periods of time EPA reasons that the facility should be able to treat its wastewater discharge to the average concentrations allowed by the long-term limit.

These long-term Categorical Limits, and how they are applied, have often been confusing and misunderstood. Generally, IUs are only required to conduct one day of self-monitoring during each reporting period. There have been occasions where IUs subject to Categorical Limits receive the results of the one day of monitoring and only compare it to the maximum daily limits, without regard to whether the monitoring results are greater than the long-term limits. This is a serious error that can lead to the IU receiving a Notice of Violation and being subject to other MCES enforcement actions.

EPA considers one day of monitoring results, submitted as being representative of the IU's discharge over the course of a reporting period, as essentially an average result for the period. A one-day result that exceeds the long-term limit is thus considered a violation. Therefore, it is imperative that IUs subject to Categorical Limits immediately review self-monitoring results once they receive them, and compare them to the long-term limits in the permit. Contact the IWPP engineer that handles your permit immediately if any exceedences are detected. If a result is greater than the long-term limit but still below the maximum daily limit, there may be time to conduct additional monitoring that may bring the average of all the results below the long-term limit and avoid a violation. Please be sure to contact your IWPP engineer prior to conducting additional monitoring to receive guidance and options on your best plan of action.

Lifecore Biomedical Increases Production, Yet Avoids SAC Charges

Lifecore Biomedical was looking forward to developing a new family of products in 2002, yet it realized that increasing production also would increase water usage and prompt a considerable SAC payment. Instead of charging full steam ahead the company decided to evaluate its current processes and get them running as efficiently as possible, before increasing production, to minimize future production costs. Because of its complex water system, this would take considerable staff time. Therefore, Lifecore requested help from the Minnesota Technical Assistance Program (MnTAP). MnTAP assigned them a summer intern, a chemical engineering student from the University of Minnesota.

The intern worked closely with Lifecore quality control and maintenance staff, and together they reduced annual water usage by 3.86 million gallons by removing a condensing coil that was no longer needed on a steam generator and repairing water valves on two autoclaves. These system upgrades and repairs saved the company $69,000 a year in water and sewer fees, and will hold back the need to pay additional SAC charges as production increases.

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2004 Rates and Fees

In July, the Metropolitan Council approved the following rates affecting Industrial Users for 2004:

The Municipal Wastewater Rate for communities within the Metropolitan Council's region will be $1.34 per 1,000 gallons.

Strength Charge Rates for wastewater generated within Council's region will be $0.123 per excess pound of total suspended solids (TSS), and $0.0615 per excess pound of chemical oxygen demand (COD).

Full cost recovery rates for treatment of wastewater generated outside of the Council's region will be $0.232 per excess pound of TSS and $0.116 per excess pound of COD.

Liquid Waste Haulers standard load charges will be $16.21 per 1,000 gallons. Holding tank wastes will be charged $1.34 per 1,000 gallons. Collar county load charges will be $41.21 per 1,000 gallons. The Portable Toilet Waste rate will be $21.34 per 1,000 gallons.

In October, the Metropolitan Council approved the 2004 Service Availability Charge (SAC) at $1,350 per SAC unit and the Add-on-Service Charge at $0.68 per 1,000 gallons.

For all permittees, permit fees will increase by an average of 6.1 percent for each user class.

For more information regarding rates and fees, please contact your MCES engineer or visit http://www.metrocouncil.org/environment/IndustrialWaste/news_rates.htm
The 2004 rates will be posted following end-of-year billing in February.