



COMMISSION FILE NO: 18-014-1 **DATE INTRODUCED:** January 8, 2018

INTRODUCED BY: Executive Director (Signature on File in the Office of the Commission)

REFERRED BY COMMISSION CHAIRPERSON TO: Policy, Finance, and Personnel Committee

RELATING TO: Adoption of Amendments to MMSD Rules, Chapter 11, Discharge Regulations and Enforcement Procedures, to Allow the Discharge of Noncontact Cooling Water

SUMMARY:

The Commission is requested to adopt proposed amendments to MMSD Rules, Chapter 11, Discharge Regulations and Enforcement Procedures, as required by Wis. Stat. Sec. 200.45(1)(c). The amendments would allow the discharge of noncontact cooling water, reverse osmosis concentrate, and condensate to the sewerage system in the separated sewer area and riparian areas of the combined sewer area.

On October 23, 2017, the Commission approved public notice and hearing. The public hearing occurred on November 30, and the period for written comments ended December 1. The District received no comments at the hearing or in writing.

ATTACHMENTS: BACKGROUND KEY ISSUES RESOLUTION
FISCAL NOTE S/W/MBE OTHER Proposed Amendments

*PFP_Chapter_13_Amendments_Adoption_legislative_file.docx
12-27-17*

COMMITTEE ACTION: _____ **DATE:** _____

COMMISSION ACTION: _____ **DATE:** _____

BACKGROUND

Adoption of Amendments to MMSD Rules, Chapter 11, Discharge Regulations and Enforcement Procedures, to Allow the Discharge of Noncontact Cooling Water

History

Currently, the District prohibits the discharge of noncontact cooling water into the sanitary sewer area and into the combined sewer system from riparian locations in the combined sewer area. The District prohibited noncontact cooling water to conserve treatment capacity in the sewerage system for domestic and process wastewater. This prohibition is from the 1980's, when: (A) the District did not have a wet weather peak flow storage system, (B) the region had more manufacturing, (C) water conservation practices were undeveloped, (D) the District did not have a private property infiltration and inflow reduction program or a green infrastructure program to reduce peak wet weather flows, and (E) phosphorus and other trace pollutants in the noncontact cooling water discharges were not a concern. Also, general permits were available for discharging directly to surface water.

Current Conditions

Today, the District has a large wet weather peak flow storage system, sewer system monitoring and controls are more extensive and efficient, the District has less manufacturing, water use is more efficient, and the water supply often has a significant amount of added phosphorus. A variety of regulatory initiatives create challenges for discharges to surface water, including concerns regarding phosphorus, arsenic, mercury, temperature, and whole effluent toxicity.

Proposed Action

In response to these new conditions, rule amendments are proposed to allow the discharge of noncontact cooling water when the risk is low that the new discharge would cause problems within the sewerage system. Goals are to help businesses comply with increasingly complex requirements, support achievement of the Total Maximum Daily Loads for phosphorus being established for local rivers, and use the District's water reclamation facilities to remove pollutants. Attachment 1 shows the proposal amendments.

The District will need to coordinate approval of new discharges with local governments to: (A) minimize the risk that the new discharges will cause or exacerbate overflows or basement backups, (B) avoid using capacity allocated for growth, (C) identify any local capacity issues, and (D) implement wet weather protocols to interrupt the discharge, if needed. The District is proposing a process that would include the following elements.

BACKGROUND (Cont'd)

Adoption of Amendments to MMSD Rules, Chapter 11, Discharge Regulations and Enforcement Procedures, to Allow the Discharge of Noncontact Cooling Water

1. A facility identifies the average and maximum flow rates and the discharge schedule for the noncontact cooling water it wants to discharge.
2. The facility contacts the local sewer department to determine whether sewer capacity is available.
3. The facility notifies the District of its intent to discharge noncontact cooling water and provides the finding of sufficient capacity from the local government.
4. The District approves the discharge. Based upon findings by the local government, the District may require that the discharge be interrupted during wet weather.

Other Types of Discharges

In addition to noncontact cooling water, the District currently prohibits reverse osmosis concentrate from water supply purification systems and condensate from steam and compressed air systems. The prohibition applies to the separated sewer area and riparian areas of the combined sewer area. For the reasons described above, the District intends to repeal the prohibition on these discharges. These discharges are less common than noncontact cooling water and volumes are often small; therefore, a special review process is unnecessary. Notice to the District is necessary, and discharges may commence only after receiving approval from the District.

User Charges

New discharges will be subject to standard sewer user charges from the District and local governments. After the District approves a new discharge, the District will change the water balance used to calculate sewer user charges for existing users. For new users of the District system, the District will require flow data from which sewer user charges will be calculated.

Public Engagement

District staff discussed this proposal with the District's Technical Advisory Team in May 2017. The District provided this proposal by email to commercial and industrial users and municipalities in August 2017.

On October 23, 2017, the Commission approved public notice and hearing. The District provided the public notice to municipal clerks on October 23, 2017. The Milwaukee Journal Sentinel published the hearing notice on October 29, 2017. The public hearing occurred on November 30, 2017, and the period for written comments ended December 1, 2017. The District received one inquiry regarding the intent of the proposed amendments, but no other comments.

BACKGROUND (Cont'd)

Adoption of Amendments to MMSD Rules, Chapter 11, Discharge Regulations and Enforcement Procedures, to Allow the Discharge of Noncontact Cooling Water

CHANGES SINCE PROPOSAL

A review of the diversity of circumstances where discharges may occur has caused an adjustment to how the amendments identify the entity that makes the capacity evaluation. In rare cases, the governmental unit where the user is located might not be the appropriate governmental unit to make the capacity evaluation. For example, a small number of users discharge directly to a District sewer. Also, facilities at the Regional Medical Center may be “located” on Milwaukee County land, but the relevant governmental unit for the capacity evaluation would be the City of Milwaukee or the City of Wauwatosa. In response to these situations, in sec. 11.204(2)(a), the last phrase has changed from “in which the user is located” to “that owns the sewer that will receive the discharge.”

RESOLUTION

Adoption of Amendments to MMSD Rules, Chapter 11, Discharge Regulations and Enforcement Procedures, to Allow the Discharge of Noncontact Cooling Water

RESOLVED, by the Milwaukee Metropolitan Sewerage Commission, that the amendments to MMSD Rules, Chapter 11, are adopted, as shown in the attachment, and will become effective upon publication.