

ITEM #: 39  
DATE: 05-23-23  
DEPT: W&PC

**COUNCIL ACTION FORM**

**SUBJECT: INDUSTRIAL PRETREATMENT PROGRAM – LOCAL LIMITS**

**BACKGROUND:**

On March 1, 2022, the Water Pollution Control Facility (WPCF) was issued a new National Pollutant Discharge Elimination System permit from the Iowa Department of Natural Resources (DNR). One requirement of the NPDES permit is to evaluate the adequacy of the Local Limits that are established as part of the Industrial Pretreatment Program (IPP). The objective of the IPP is to protect the WPCF by:

- Preventing discharge of pollutants to the WPCF that will inhibit treatment plant operations or pass through untreated;
- Protecting the safety of workers and the general public;
- Improving the ability to recycle and reclaim wastewater and biosolids; and,
- Enabling compliance with any permits or other laws or regulations that the WPCF may be subjected to.

**Staff completed the required Local Limit evaluation earlier this year and on March 28, 2023, Council adopted on third reading the amended limits. Staff submitted the Local Limit evaluation to the Iowa DNR for review and approval. After reviewing the submission, DNR required that the Local Limit for mercury be recalculated to account for a site-specific water quality standard. Staff performed the recalculation which resulted in a proposed Local Limit of 0.0056 mg/L which is more restrictive than the current Local Limit of 0.01 mg/L. This revision to the Local Limit for mercury, when compared to monitoring data from the past three years, would not have caused any industrial user to be classified as being in “significant non-compliance” with the new limit.**

**The recalculated Local Limit for mercury was submitted to the Iowa DNR for review. The full set of Local Limits, including mercury, has now received approval by the Iowa DNR.** As part of the approval process, a 45-day public comment period provided interested parties an opportunity to object to the proposed limits. Additionally, on May 15, 2023, staff notified all industrial users of the proposed Local Limit revisions. Included in the letter was the timeline for formally revising the Local Limit for mercury in Chapter 28 of the Municipal Code. As of May 19, no responses were received to either the public notice or the letters sent to local industries.

Following Council approval, staff will formally amend all Industrial Pretreatment Program permits to reflect the revised Local Limits.

**ALTERNATIVES:**

1. Approve on first reading the attached ordinance revising Chapter 28 of the Municipal Code to amend the Industrial Pretreatment Program Local Limits.
2. Direct staff to modify the attached ordinance.
3. Do not approve the ordinance.

**CITY MANAGER'S RECOMMENDED ACTION:**

Approval of the Local Limits is required by the Iowa Department of Natural Resources as part of the National Pollutant Discharge Elimination System permit received on March 1, 2022. Staff has completed the evaluation. **The proposed Local Limits are expected to allow the Industrial Pretreatment Program to meet its goals and are not expected to cause negative consequences for industrial users.** Therefore, it is the recommendation of the City Manager that the City Council adopt Alternative No. 1, as described above.