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JUN 04 2018
KAREEMAH FOWLER
CITY CLERK, SOUTH BEND, IN

CITY OF SOUTH BEND PETE BUTTIGIEG, MAYOR

DEPARTMENT OF PUBLIC WORKS

Eric Horvath, Director

May 24, 2018

Common Council
227 West Jefferson Blvd.
Suite 400 S
South Bend, Indiana 46601

RE: Request for Amendment of Local Standard Regulations in the South Bend Municipal Code

Dear Common Council Members:

Per the City of South Bend Wastewater Treatment Plant's (City) NPDES Permit No. IN0024520, the City is required by the federal Environmental Protection Agency (EPA) to conduct a technical re-evaluation of its Local Standards for use of the public sewers no less than every five-year permit cycle. The City has completed the re-evaluation, and thus requests to amend Chapter 17, Article 2, Division 3, Section 17-8 (f) of the South Bend Municipal Code to include a Monthly Maximum Allowable Industrial Load (MAIL) requirement, distinct from the existing Daily MAIL.

The City's recommended modification of the Municipal Code is compliant with federal law and has been tentatively approved by the EPA. In accordance with an EPA letter dated May 15, 2018, prior to submittal for formal EPA approval, the City must formally adopt the proposed revision to Section 17-8 (f) of the South Bend Municipal Code. We are submitting this amended Section of the South Bend Municipal Code for your approval, so to comply with EPA's requirement.

If you should have any questions, please don't hesitate to contact me at 574-235-9251 or by email at ehorvath@southbendin.gov

Sincerely,

Eric Horvath
Executive Director
Department of Public Works
227 West Jefferson Blvd. Suite 1300 N
South Bend, Indiana 46601

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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

MAY 15 2018

REPLY TO THE ATTENTION OF:

WN-15J

Mr. Al Greek
Director of Utilities
City of South Bend
Division of Public Works
3113 Riverside Drive
South Bend, Indiana 46628

Re: Tentative Approval of Local Limits Modification for Pretreatment Program for the City of South Bend Wastewater Treatment Plant, South Bend, Indiana, NPDES Permit No. IN0024520

Dear Mr. Greek:

The U.S. Environmental Protection Agency (EPA) has reviewed the proposed Local Limits (LL) modification submitted by the City of South Bend Wastewater Treatment Plant (City) on July 31, 2017, and subsequent supporting document in response to EPA's comments received on August 3, September 15 and November 14, 2017. The proposed LL modification was public noticed on March 30, 2018, in the South Bend Tribune; and there were no public comments received during the comment period. In accordance with 40 CFR Section 403.18 of the General Pretreatment Regulations, I am pleased to inform you that based on our evaluation of the information provided, the modifications are consistent with federal requirements and approvable.

Before EPA can formally approve of any modifications to the pretreatment program, the City must first formally adopt changes to its Sewer Use Ordinance (SUO) and then the City must submit the final and city-approved versions of the City's SUO request for EPA approval.

Please submit the adopted SUO and supporting documents within 60 days from the date of this letter. Thank you for your continued commitment to protect our nation's water resource. If you have any questions, please contact David Soong at (312) 886-0136 or at soong.david@epa.gov.

Sincerely,

Kevin M. Pierard, Chief
NPDES Programs Branch

cc: Natalie Maupin, IDEM, electronically
Lauran Trapp, City of South Bend, electronically

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BILL NO. 23-18

ORDINANCE NO. _____

AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, AMENDING THE SOUTH BEND MUNICIPAL CODE AT CHAPTER 17, ARTICLE 2, DIVISION 3, SECTION 17-8 (f) TO REVISE LOCAL PRETREATMENT STANDARDS FOR THE CITY'S NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) PERMIT

STATEMENT OF PURPOSE AND INTENT

In order for the City of South Bend to discharge pollutants into the St. Joseph River as one of the "waters of the United States," the federal Clean Water Act of 1972 requires the City to possess a National Pollutant Discharge Elimination System (NPDES) Permit. As one condition of the City's maintenance of its NPDES Permit, the City is required by the federal Environmental Protection Agency (EPA) not less than every five years to review and update its Local Standards for general use of the public sewers and pretreatment of waste. These regulations are codified at Chapter 17, Article 2, Division 3, Section 17-8 of the South Bend Municipal Code.

The City through its Division of Environmental Services has performed the requisite review and wishes to revise Section 17-8 (f) to add a Monthly Maximum Allowable Industrial Load (MAIL) requirement, distinguished from a Daily MAIL. The City's recommended revision of the Municipal Code is in compliance with federal law and is expected to be approved by the EPA.

It is in the best interest of the City that this ordinance be adopted.

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA as follows:

SECTION I. Chapter 17, Article 2, Division 3, Section 17-8(f) of the South Bend Municipal Code shall be amended to read in its entirety as follows:

Sec. 17-8 – General purpose; prohibited discharges; discharge standards.

(f) *Local Standards.*

(1) The Director is authorized to establish Local Limits pursuant to 40 CFR 403.5(c) to protect the objectives specified in Sec. 17-8(a).

(2) The following pollutant limits are established to protect against Pass Through and Interference. No Significant Industrial User shall discharge wastewater in excess

of the following daily maximum discharge limitations: [0.00019) mg/L total mercury.

(3) The Director may, at the Director's sole discretion, implement local limits through allocation of the Daily Maximum Allowable Industrial Load (MAIL) and the Monthly MAIL to Significant Industrial Users. The Daily MAIL is the total daily loading of a pollutant available to be allocated to all Significant Industrial Users. The Monthly MAIL is the total loading of a pollutant available to be allocated to all Significant Industrial Users as a monthly average. The monthly average is calculated as the sum of the concentrations of all daily discharges measured during a calendar month divided by the number of daily discharges measured that month. Daily MAILs and Monthly MAILs for the following pollutants are hereby incorporated by reference:

Arsenic

c Cadmium

c Chromium

Copper

c Cyanide

l Lead

n Nickel

s Silver

z Zinc

(4)

Significant Industrial Users (SIU) who have not been given an allocation for one of the pollutants listed above shall notify the City of South Bend at least 90 days in advance of a change in the characteristics of their wastewater that would increase the expected concentration of that pollutant in their wastewater discharge. In addition, the City may determine at any time that an SIU wastewater discharge requires a limitation for a pollutant, regardless of the concentration levels listed below, and may then develop a limit based on the MAIL. In any case, SIU discharge that is found to contain in excess of the following concentrations will be reviewed for the need for a limit. The Director may require more sensitive analysis when results are reported as less than the following concentrations or less than greater concentrations:

Arsenic—0.2 mg/L

Cadmium—0.1 mg/L

Chromium—2.0 mg/L

Copper—0.3 mg/L

Lead—0.3 mg/L

Nickel—0.3 mg/L

Silver—0.2 mg/L

Zinc—0.3 mg/L

Cyanide—0.1 mg/L

SECTION II. This ordinance shall be in full force and effect from and after its passage by the Common Council, approval of the Mayor and any publication required by law.

_____

Tim Scott, Council President
South Bend Common Council

Attest:

_____

Kareemah N. Fowler, City Clerk
Office of the City Clerk

Presented by me, the undersigned Clerk of the City of South Bend, to the Mayor of the City of South Bend, Indiana on the _____ day of _____, 2018, at _____ o'clock ___. m.

_____

Kareemah N. Fowler, City Clerk
Office of the City Clerk

Approved and signed by me on the _____ day of _____, 2018, at ___ o'clock ___.m.

_____

Pete Buttigieg, Mayor
City of South Bend, Indiana