

January 5, 2015

To: Mayor Bemrich and City Council

From: David Fierke, City Manager

Subject: Approve of Resolution of support for CJ Bio America petition for variance to Iowa Code



ACTION: For vote Monday, January 12, 2015

Brief History

CJ Bio America's Industrial Pretreatment Discharge Permit issued by the City of Fort Dodge allows for waste water pH range between 5.5 – 9.5 with a variance of up to 11.0. CJ's discharges violate Iowa Code. Specifically, Paragraph 567 IAC 62.1(8)f of Iowa Code which states in part: Prohibited discharges: wastes which would intermittently change the pH of the raw waste entering the treatment plant by more than 0.5 standard pH units.

The City issued the permit and variance to the pH range to save on chemical costs to treat CJ's waste water. If the City held CJ to the standard pH range (5.5-9.5), CJ would have to feed acid to lower its pH and in turn consume alkalinity needed for the nitrification process that removes ammonia. The City would have to feed Magnesium Hydroxide to replace the alkalinity that CJ would have just removed.

Analysis of Issue

Currently, CJ's waste water does not harm any components of the waste water treatment plant and by allowing the higher pH range it saves chemical addition costs. Passing a resolution in support of CJ's petition to Iowa DNR for a variance to 567 IAC 62.1(8)f should allow CJ to continue to operate at higher pH levels and save the City the costs of chemical addition. CJ will have to renew the variance with the Iowa DNR annually, so if in the future City staff observes problems with the elevated pH levels the City can request that the variance be denied.

Budget Impact

Approving this resolution and passing of the variance request by IDNR will save substantial costs associated with chemical addition to CJ's waste water.

Strategic Plan Impact

Policy D.7.3: Public and private sector efforts to plan for and promote the region as a coherent whole, including coordination with adjoining counties, shall be supported. At the same time, the unique identity and character of individual communities within the region shall be respected.

Policy D.7.10: The city shall govern by policy and enforce by ordinance. The purpose and intent of government is valuable to both those who are impacted by an action and those who must carry out the required action. Knowing the direction that government is going to take over time provides a sense of security for the city's citizens, partners and investors. The city shall set policy described in policy statements that provides broader guidance for the management of the city. Ordinances are then implemented that further define and spell out specific actions that must be followed.

Impact on Existing Plans

None

Committee Review / Recommendation

N/A.

Staff Conclusions / Recommendations

Staff recommends approval of the attached resolution of support for CJ's petition to Iowa DNR for a variance to Iowa Code.

Alternatives

None recommended.

Implementation and Accountability

N/A.

Signed



Tony Trotter, P.E.
Project Engineer

Approved



David Fierke
City Manager

RESOLUTION NO. _____

A RESOLUTION APPROVING A VARIANCE PETITION BY CJ BIOAMERICA TO THE IOWA DEPARMENT OF NATURAL RESOURCES NPDES PERTAINING TO 567 IAC 62.1(8)F PROHIBITED DISCHARGES.

WHEREAS, Iowa Code prohibits discharges from Industries to change the pH of the raw wastewater entering the treatment plant by more than 0.5 standard pH units or which would cause the pH of the raw waste entering the treatment plant to more than 9.0 standard units;

WHEREAS, The City recognizes the treatment benefits of CJ Bioamerica’s wastewater, specifically it’s alkaline nature which could violate 567 IAC 62.1(8)f, that enables the wastewater treatment plant to nitrify ammonia without the costly addition of supplemental alkalinity in the form of magnesium hydroxide;

WHEREAS, The City also recognizes that CJ Bioamerica’s wastewater at high pH levels does not harm the City’s wastewater treatment plant nor negatively affect any treatment process or collection system.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FORT DODGE, IOWA, that:

- 1. The City Council supports CJ Bioamerica’s petition to IDNR for a variance to 567 IAC 62.1(8)f.

PASSED AND APPROVED by the City Council of the City of Fort Dodge this 12th day of January, 2015.

Ayes: _____
Nays: _____
Other: _____

City of Fort Dodge, Iowa

By: _____
Matt Bemrich, Mayor

Attest:

Jeff Nemmers, City Clerk



IOWA DEPARTMENT OF NATURAL RESOURCES
NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM AND OPERATION PERMITS
WATER QUALITY BUREAU
502 EAST 9th STREET - DES MOINES, IA 50319-0034
 Telephone: (515) 281-8941; Fax: (515) 281-8895

PETITION FOR WAIVER OR VARIANCE

Pursuant to 561 Iowa Administrative Code Chapter 10, Waivers or Variances from Administrative Rules, a petitioner must provide comprehensive justification of a proposed request for a waiver or variance to an administrative rule as adopted by the Department.

This form will assist you in providing all pertinent information that is necessary for the Department to grant a waiver or variance. The form must be submitted to the Department and must contain an adequate amount of factual and concise information. The obligation rests with the petitioner to provide convincing evidence to justify the granting of a waiver or variance. You may provide additional information or attach additional pages if needed. The Department reserves the right to require additional information to further support request for a waiver or variance.

Petitions will be comprehensively evaluated by the Department. The Department reserves the right to place any condition on the waiver/variance. If information is not inclusive, concise, or does not adhere to the justifications and/or proof the petitioner has submitted, the waiver or variance may be denied. Upon review, the department will grant or deny the waiver or variance in writing.

Waivers and variances are temporary unless evidence is shown that a temporary waiver or variance would be impracticable. Once the waiver or variance expires the rule will be enforceable. There is no automatic renewal of waivers or variances. The term of a waiver or variance is 1 (one) year, unless the permittee can justify a longer term or permanent time frame. The Department may renew a waiver or variance at its discretion. Please note that the Department is not allowed to waive or alter a statutory duty or requirement.

CONTACT INFORMATION

Petitioner Information
Name: Kelly Jessen
Address: 1946 Harvest Ave
City, State Zip: Fort Dodge, IA 50501
Telephone: (515) 574-3175

Facility Information
Name: CJ Bio America
Address: 1946 Harvest Ave
City, State Zip: Fort Dodge, IA 50501
Telephone: (515) 574-3175



PETITIONER JUSTIFICATION

You must provide clear and convincing evidence to prove the following. You shall provide additional attachments as necessary.

1. Please describe the specific requested waiver or variance.

The Industrial User Wastewater Discharge Permit issued by the City of Fort Dodge to CJ Bio America allowed for a pH range of 5.5 - 9.5 with a variance allowing pH discharge of up to 11 S.U. Beginning May 1st, CJ Bio America in conjunction with the City of Fort Dodge began a 120 day trial allowing a pH discharge of 8 -12 S.U. CJ Bio America requests a variance from the State of Iowa to continue to discharge pH within this range.

2. Cite the specific Administrative Rule from which the waiver or variance is requested.

CJ Bio America requests a waiver from Paragraph 567 IAC 62.1(8)"f".

3. Please list relevant facts which justify the waiver or variance.

The City of Fort Dodge's POTW is a biological nitrogen removal plant. The raw wastewater entering the POTW without CJ's waste stream is alkaline deficient. If CJ discharged its wastewater to the City in a pH range of 5.5- 9.5 S.U., CJ would have to consume its alkalinity to acheive that pH range and the City would have to feed Mg(OH)₂ to replenish the alkalinity that CJ would have just removed. The high pH range that is approved in CJ's permit does not harm the POTW or the collection system.

4. What permits are held by the facility?

City of Fort Dodge, NPDES 94-33-0-03

5. What permit is the waiver or variance requested for?

Industrial Wastewater Discharge Permit # NCSIU-2013-12

6. What operations will the waiver or variance include?

The waiver will pertain to wastewater pH discharged from CJ Bio America

7. When is the facility in operation, yearly or seasonal? If seasonal, explain time lengths of operations.

The facility is in continious operation, 24 hours a day, 365 days a year.



8. In the past 5 years:

Has the facility been issued a NOV? Yes No If yes, please explain:
CJ Bio America has not received a pH NOV from the Iowa DNR. The City of Fort Dodge has issued wastewater NOV's to CJ Bio America primarily related to the new facility start-up. No NOV's have been issued to CJ Bio America by the City of Fort Dodge since the 120 day trial period began on May 1st 2014.

Has the facility been issued an Administrative Consent Order? Yes No If yes, please explain:

Has the facility been in a court of law? Yes No If yes, please explain:

Has the facility been involved in contested case proceedings? Yes No If yes, please explain:

9. How and why is the absence of the waiver or variance posing an undue hardship for the facility?
The Industrial User Wastewater Discharge Permit issued by the City of Fort Dodge to CJ Bio America allowed for a pH range of 5.5 - 9.5 with a variance allowing pH discharge of up to 11 S.U. The normal operating range for CJ Bio America's wastewater effluent is 8 - 12 S.U. CJ Bio America will not be able to operate the facility as designed if this waiver/variance is not approved.

10. Are there any public agencies, political subdivisions of the state or federal government, person or entity which may be affected by the granting of the proposed waiver or variance? Yes No
If yes, you must provide the name(s), address(es), telephone number(s), and other relevant contact information.
City of Fort Dodge's POTW operated by US Water.
US Water
1801 Ave O
Fort Dodge, IA 50501

11. If the waiver or variance is granted, would it pose a threat to any person's rights? If so, how?
No



12. How will the quality of public health, safety, and welfare be maintained if the waiver or variance is granted?
Attach analytical data and/or studies to support your justification.
The City of Fort Dodge will remain compliant with all applicable limits required in the NPDES permit.

13. Pursuant to 561 IAC 10.5 a waiver or variance shall not be permanent. Is a temporary waiver or variance impractical for the facility? If so, how?
Yes, the characteristics of CJ Bio America's wastewater will remain consistent. The waiver or variance would need to be renewed annually

14. Requested time extent of waiver or variance.
One year

15. Do You know how the Department has treated similar situations? Yes No
If yes, describe how similar situations were handled:

PETITIONER CERTIFICATION

The Department shall grant or deny a petition for a waiver or variance with 120 days of the receipt of the petition. Failure of the Department to grant or deny a petition within the required time period shall be deemed a denial of that petition by the Department. A waiver or variance is void if the material facts are not true or if facts have been withheld. The Department reserves the right to cancel a waiver or variance at any time if the Department finds that the facts as stated in the request are not true, material facts have been withheld, the alternative means of compliance provided in the waiver or variance have failed to achieve the objectives of the statute, or the requester has failed to comply with the conditions of the waiver or variance.

By signing this petition, I certify that all information listed on this petition and the attached additional information is factual and accurate.

Signature: 

Name: Kelly Jessen

Position: Environmental and Quality Associate Maanger

Date: 12/23/2014