

 <p><b>City of Grand Rapids</b> <b>Environmental Services Department</b> <b>Policies and Procedures</b></p>	
<b>Title:</b> Element 4 – Legal and Other Requirements	<b>Created by:</b> Dave Harris <b>Approved by:</b> William R. Kaiser
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### General

This element establishes a formal procedure to identify and track legal and other requirements that apply to the Biosolids Management Plan (BMP). Legal and other requirements establish the minimum performance objectives, monitoring, reporting, and administrative and other requirements for the (BMP) and program activities. As defined in this element, legal requirements refer to federal, state, and local regulations and other requirements that are applicable to the BMP program activities.

### Procedures

The City will utilize a variety of sources for identifying, tracking, analyzing, and interpreting the various legal and other requirements which impact the biosolids value chain.

- 1) These include but are not limited to the following:
  - a) Monitor the Water Environment Federation's *Water & Environment Technology* research journal for regulations and emerging trends which may impact our program.
  - b) Communicate with Michigan Department of Environmental Quality district staff assigned to biosolids.
  - c) Monitor the National Biosolids Partnership website for information which may impact our program.
  - d) Consult with the City's legal department on legal matters related to enforcement of the sewer use ordinance and interpretation of federal, state and local regulations which may impact our program.
  - e) Monitor the Federal Register for legislation which may impact the biosolids value chain as it relates to our program.
  - f) Consult with City purchasing department for contract bidding, award, and administration assistance.
  - g) Review of equipment and process operating records.
- 2) Changes in federal, state, local regulations and other requirements or process changes may necessitate revisions to:
  - a) Critical control points<sup>A</sup>

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- b) Environmental impacts and operational controls<sup>B</sup>
  - c) Monitoring and measurement<sup>C</sup>
  - d) Biosolids BMP manual
- 3) The internal BMP team will be responsible for incorporating changes and new requirements into affected elements of the BMP and conducting employee training, if necessary.
- 4) On an annual basis<sup>D</sup> during the month of July internal BMP team members<sup>E</sup> will review assigned legal and other requirements and monitoring and measurement data using means and methods identified in item 1 above. An “Annual Legal and Other Requirements Document Review”<sup>F</sup> form shall be completed and submitted to the BMP coordinator.
- a) Review monitoring and measurement data to ensure that biosolids consistently meet regulatory requirements for landfill disposal and compost facilities. Table 3.1 identifies monitoring and measurement data associated with each critical control point and Table 7.1 identifies internal BMP team member assignments for each critical control point.
  - b) Table 4.1 identifies legal and other requirements. Review documents to ensure they are up to date and applicable. Stay informed of pending regulation changes to ensure continued compliance with requirements.
  - i) Review assignments shall be as follows:

<b>Responsibility</b>	<b>Regulation &amp; Guidance</b>
WOMS & WPS	1, 5, 6, 7, 9, 11 & 12
EAS	2, 3, 4, 8 & 10

## References

- Appendix A Glossary
- Appendix B Tables, Figures, Forms
- Appendix C CCP Postings

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<sup>A</sup> Revisions to critical control points require prompt notification to NBP and assigned external auditor

<sup>B</sup> Reference Element 3 Critical Control Points – Table 3.1 “Critical Control Points”

<sup>C</sup> Reference Element 13 Monitoring and Measurement

<sup>D</sup> Reference Element 7 Roles and Responsibilities – Figure 7.2 “Schedule of Annual Biosolids Activities”

<sup>E</sup> Reference Element 7 Roles and Responsibilities – Table 7.3 “Internal EMS Team Name and Contact Information”

<sup>F</sup> Reference Figure 4.1 “Quarterly Legal and Other Requirements Documents Review”

Table 4.1 Legal and Other Requirements

LEGAL AND OTHER REQUIREMENTS				
Regulations and Guidance	Applicable Requirements	Location	Governing Agency	Area(s) of Influence Within Biosolids Value Chain
<b>1. Federal - Code of Federal Regulations (CFR) Title 40 Chapter I Part 503 &amp; 258</b>				
	STANDARDS FOR THE USE OR DISPOSAL OF SEWAGE SLUDGE 40 CFR 503.4 § 503.4 Relationship to other regulations. Disposal of sewage sludge in a municipal solid waste landfill unit, as defined in 40 CFR 258.2, that complies with the requirements in 40 CFR part 258 constitutes compliance with section 405(d) of the CWA. Any person who prepares sewage sludge that is disposed in a municipal solid waste landfill unit shall ensure that the sewage sludge meets the requirements in 40 CFR part 258 concerning the quality of materials disposed in a municipal solid waste landfill unit. 40 CFR 258 PART 258—CRITERIA FOR MUNICIPAL SOLID WASTE LANDFILLS 258.20 prohibits land filling hazardous wastes 258.28 prohibits land filling liquids (as defined by the paint filter test)	WPS Office	United States Environmental Protection Agency	Solids Stabilization, Conditioning, and Handling
<b>2. Federal - CFR Title 40 Chapter I Part 136</b>				
	Guidelines establishing test procedures for the analysis of pollutants	EAS Office	United States Environmental Protection Agency	Wastewater Collection and Pretreatment
<b>3. State - National Pollutant Discharge Elimination System Permit</b>				
	Part 1.A.3 Pollutant Minimization Program for Total Mercury, "On or before April 1 of each year, the permittee shall submit a status report for the previous calendar year." Part I.B Industrial Waste Pretreatment Program  Part I.C Residuals Management Program  Part I.A.1 requirements – Total Phosphorus (as P) monthly average of 1.0 mg/l or 510 lbs/day.	EAS Office   GVRBA Sharepoint Site  Database / DMR /MOR Report	United States Environmental Protection Agency   Michigan Department of Environmental Quality	Wastewater Collection and Pretreatment Wastewater Treatment and Solids Generation Solids Stabilization, Conditioning, and Handling Biosolids End Use or Disposal Biosolids Storage and Transportation
<b>4. Local - City Sewer Use Ordinance</b>				
	Chapter 27 City "Sewage Disposal System", Article 3 "Regulations", Section 2.66 "General Discharge Conditions and Prohibitions" and Section 2.67 "Limitation on Wastewater Strength"	EAS Office	City of Grand Rapids	Wastewater Collection and Pretreatment
<b>5. Other - GVRBA Contracts</b>				
	Landfill Contract(s) – Page 9 – Item 19 Trucking Contract – Page 8 – Item 8 (Exhibits A&B Pages 11-13) Polymer Contract – Page 9 – Item 10 Compost Contract – Page 6 – Item 14	Front Office & GVRBA Sharepoint Site	GVRBA	Solids Stabilization, Conditioning, and Handling Biosolids End Use or Disposal
<b>6. State - Michigan Biosolids Laws and Regulations</b>				
	323.2413 Recordkeeping - Rule 2413 (1) A generator shall keep records for a minimum of 5 years unless a longer period is specified by the permitting authority.  323.2416 Reporting - fees; biosolids land application fund; creation. Rule 2416 (1) Beginning in state fiscal year 1998, ... (3) A generator or distributor that land-applied biosolids or a derivative to land within the state at any time during the previous state fiscal year shall report to the department the information required in R 323.2413(3) to (8), except R 323.2413(6)(b), (7)(b), and (8)(b), on or before October 30.	WPS Office	Michigan Department of Environmental Quality	Solids Stabilization, Conditioning, and Handling Biosolids End Use or Disposal Biosolids Storage and Transportation
<b>7. State - Landfill Disposal Regulations</b>				

**LEGAL AND OTHER REQUIREMENTS**

Regulations and Guidance	Applicable Requirements	Location	Governing Agency	Area(s) of Influence Within Biosolids Value Chain
	<p><b>324.11527 Delivery of waste to licensed disposal area or solid waste transfer facility; vehicle or container; violation; penalty.</b>                      Sec. 11527. (1) A solid waste hauler transporting solid waste over a public road in this state shall deliver all waste to a disposal area or solid waste transfer facility licensed under this part and shall use only a vehicle or container that does not contribute to littering and that conforms to the rules promulgated by the department.                      (2) A solid waste hauler who violates this part or a rule promulgated under this part, or who is responsible for a vehicle that has in part contributed to a violation of this part or a rule promulgated under this part, is subject to a penalty as provided in section 11549.                      History: 1994, Act 451, Eff. Mar. 30, 1995.                      Popular name: Act 451                      Popular name: Act 641                      Popular name: Solid Waste Act</p> <p><b>324.11528 Solid waste transporting unit; watertight; construction, maintenance, and operation; violation; penalties; ordering unit out of service.</b>                      Sec. 11528. (1) A solid waste transporting unit used for garbage, industrial or domestic sludges, or other moisture laden materials not specifically covered by part 121 shall be watertight and constructed, maintained, and operated to prevent littering. Solid waste transporting units used for hauling other solid waste shall be designed and operated to prevent littering or any other nuisance.                      (2) A solid waste hauler who violates this part or the rules promulgated under this part is subject to the penalties provided in this part.                      (3) The department, a health officer, or a law enforcement officer may order a solid waste transporting unit out of service if the unit does not satisfy the requirements of this part or the rules promulgated under this part. Continued use of a solid waste transporting unit ordered out of service is a violation of this part.</p>	WPS Office	Michigan Department of Environmental Quality	Biosolids End Use or Disposal
<b>8. State – Michigan Department of Environmental Quality, General Rules</b>				
	<p>Part 23 R323.2306(c)(v) "Inspect and sample the effluent from each significant industrial user at least once a year."                      Part 23 R323.2310(6)(d) "All analyses shall be performed in accordance with procedures established by the E.P.A. pursuant to Section 304(h) of the Clean Water Act and contained in 40 C.F.R. part 136."                      Part 23 323.2310(9)(b) – "Publicly owned treatment works shall evaluate all new or changed discharges with respect to general and specific prohibitions contained in R 323.2303 before acceptance by the POTW."                      Part 117 324.11701 – 324.11720 Septage Waste Servicers, of the Natural Resources and Environmental Protection Act, 1994 PA 451</p>	EAS Office  WPS Office	Michigan Department of Environmental Quality	Wastewater Collection and Pretreatment  Septage Receiving
<b>9. Other – Operation of Municipal Wastewater Treatment Plants Sixth Edition, Manual of Practice, MOP 11</b>				
	<p>Chapter 19 (page 19-19) – Sludge Pumping - "Ideally, pumping approaches continuous operation to evenly feed the downstream processes".                      Chapter 18 (page 18-14) – Aerated grit channel - "wastewater at approximately 0.3 m/s (1 ft/sec)".</p>	WPS Office		Wastewater Collection and Pretreatment Wastewater Treatment and Solids Generation
<b>10. Other – Pretreatment Facility Inspection, California State University, Sacramento, CA</b>				
	<p>(page 475) - "A sample is in custody if it is in any one of the following states: in a person's actual physical possession, in view of the person after being in physical possession, in physical possession and locked up so that no one can tamper with it or in a secured area restricted to authorized personnel."                      (page 306), California State University, Sacramento, CA, "Reviewing previous inspection reports is an excellent way to familiarize yourself with the discharger."                      (page 312), California State University, Sacramento, CA, "Whatever your reason for visiting a company, always check the outfall."</p>	IPP Office		Wastewater Collection and Pretreatment
<b>11. Other – GVRBA Joint Biosolids Management Agreement</b>				

**LEGAL AND OTHER REQUIREMENTS**

Regulations and Guidance	Applicable Requirements	Location	Governing Agency	Area(s) of Influence Within Biosolids Value Chain
	Joint Biosolids Management Agreement – Adopted October 6, 2009, Section 2	GVRBA Sharepoint Site	GVRBA	Solids Stabilization, Conditioning, and Handling Biosolids End Use or Disposal Biosolids Storage and Transportation
<b>12. Other - Control of Odors and Emissions from Wastewater Treatment Plants (2004), MOP 25</b>				
	Chapter 10 – Minimizing Fugitive Odor Emissions, Liquid-Phase Treatment - Iron Salts, Vapor Phase Treatment – Activated Carbon	WPS Office	Michigan Department of Environmental Quality	Solids Stabilization, Conditioning, and Handling Biosolids Storage and Transportation

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Figure 4.1 Annual Legal and Other Requirements Document Review

Annual Legal and Other Requirements Document Review	
Instructions: Verify that the referenced document is properly filed. Review the document to make sure it is current and applicable. Keep current with legislation encompassing the documents you typically review so that timely updates to the BMP manual can be implemented. Review monitoring and measurement data identified in Table 3.1 for your assigned CCP (See Table 7.1).	
Reviewed by:	Date:
Legal requirements review: (Reference Table 4.1 and Element 4 procedure step 4)	
Monitoring and Measurement data review: (Reference Table 3.1 "Monitoring and Measurement" and "Operational Controls" columns to determine monitoring and measurement data associated with each CCP)	

"I have reviewed the above noted regulations and guidance documents and I have noted any changes or updates above."

Date (MM/DD/YYYY) \_\_\_\_/\_\_\_\_/\_\_\_\_ Signature \_\_\_\_\_