

Title: Public Comment period now open for GLWA Industrial Pretreatment Program Rules.

On August 28, 2019, the Great Lakes Water Authority (GLWA) Board received and filed the updated GLWA Industrial Pretreatment Program Rules for public comment. The public has the opportunity to submit written comments to [iwc@glwater.org](mailto:iwc@glwater.org). This public comment period closes September 25, 2019. The proposed Rules are located on the GLWA website under the NPDES section. GLWA will provide a response to the public comments received prior to requesting final Board action.

**BACKGROUND:** The Great Lakes Water Authority ("GLWA") is a Michigan municipal authority and public body corporate organized and existing pursuant to the provisions of Michigan Public Act No.233 of 1955, as amended, MCL 124.281, et seq. ("Act 233"), for the purpose of establishing a regional sewage disposal system to operate, control, and improve the sewage disposal system leased from the City of Detroit. As authorized by Act 233, GLWA is required by state and federal law to adopt binding rules and regulations in order to comply with all applicable state and federal laws, including, without limitation, the requirements of the Federal Water Pollution Control Act, 33 USC Section 1251, et. seq., the General Pretreatment Regulations for Existing and New Sources of Pollution, 40 CFR 403, and the National Categorical Pretreatment Standards contained in 40 CFR Sections 405-471.

Currently the GLWA operates the IPP as the Control Authority agent for the City of Detroit pursuant to its Regional Sewer Disposal System Lease with the City and under the legal authority from the City of Detroit (Ordinance 08-05). The intent of the Lease is that the IPP will be transferred from the City to the GLWA upon MDEQ approval of GLWA as the Control Authority operating under its own legal authority. Development and approval of the attached Rules is a necessary part of that transfer process.

The rules will require GLWA Board approval, concurring resolutions from all communities and publication prior to becoming effective for implementation and enforcement.

**PROGRAM:** The Industrial Pretreatment Program ("IPP") is a program for enforcement of local pollution controls in accordance with the objectives of the National Pollutant Discharge Elimination System ("NPDES") permit and the Clean Water Act ("CWA").

In 1972 the CWA created the NPDES program and requirements for Publicly Owned Treatment Works ("POTWs") to control indirect dischargers. In 1977 the Environmental Protection Agency ("EPA") initiated a lawsuit in the Federal District Court for the Eastern District of Michigan against the City of Detroit (United States v City of Detroit, Case No. 77-1100), alleging violations of the CWA involving the Detroit waste water treatment plant ("WWTP") and its' NPDES permit.

In the following years, a number of consent judgments were entered wherein Detroit was required to develop a Sewer Use Ordinance (Industrial Waste Control Ordinance), and to develop a user charge program in order to comply with the CWA's requirement that recipients of federal grants proportionately share costs among user classes.

DWSD and its customers were also ordered to amend the existing contracts among them to provide that each municipality or other governmental unit served by the Detroit system must adopt sewer use or industrial waste control ordinances which are at least as stringent as Detroit's ordinances and provide the

right of entry for purposes of monitoring and inspecting. Thus, the IPP and IWC programs and charges were created.

The current IWC regulatory programs include: (1) Industrial Pretreatment Program (“IPP”) (with minimization programs for Mercury, PCB and PFAS); (2) Surcharge Program; (3) Hauled-in-Waste Program; and (4) Special Wastes Discharge Program.

**Industrial Pretreatment Program:** The IPP is a local regulatory program to control toxic pollutant discharges to the Detroit Collection System, and emerging contaminants such as PFAS compounds. The IPP regulates the indirect discharge of wastewater by non-domestic, commercial, and industrial users through a command/control center. The program complies with requirements of the CWA and associated regulations. Program is funded by the IWC meter charge.

**Surcharge Program:** The Surcharge Program complies with Michigan and Federal legislation that requires that all users of public sewerage system facilities contribute their proportionate share of the cost of service pertaining to the costs of the facilities and their operation. The intent of the cost of service rates is to distribute the costs of publicly-owned sewerage systems to the responsible user or class of users. User charge (also known as pollutant surcharge) is established annually for \$/lb. of pollutant (Biochemical Oxygen Demand or BOD, Total Suspended Solids or TSS, Phosphorus or P and Fats, Oils and Grease or FOG).

**Hauled-in-Waste Program:** This program regulates and controls discharge and release of septic wastes and Food trucks, into the Detroit system. Discharges are permitted at specific dump sites upon payment of a per gallon fee.

**Special Discharge Program:** This program regulates and controls the discharge and release of treated groundwater from Underground Storage Tank sites, construction and pond water, wastewater associated with the development or cleanup of buildings or properties, and other uncategorized wastewater. The program also maintains a general permit program for gas, steam, and electrical utilities. Users are charged by the retail community for the volume of water discharged and No additional charge for this program is passed on to the customers but is included in the IWC budget.

Please contact Industrial Waste Control at [iwc@glwater.org](mailto:iwc@glwater.org) or 313-297-5850 with any questions.