



Board of Directors
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TO: Member Outreach Community

FROM: Great Lakes Water Authority

DATE: **March 1, 2024**

RE: **Amendments to 2019 GLWA Industrial Pretreatment Program Rules**

REGULATORY BACKGROUND

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 Wastewater Treatment Plant (“WWTP”) and its’ NPDES permit.

On July 1, 2019, the Michigan Department of Environment, Great Lakes, and Energy (EGLE) processed and reissued GLWA/DWSD’s NPDES Permit, which required GLWA to (i) develop GLWA Rules and obtain concurring resolutions from all Community Members, (ii) develop and obtain approval from Michigan EGLE for a revised Industrial Pretreatment Program meeting the requirements of 40 CFR 403 (General Pretreatment Regulations), and the Michigan Administrative Code (Part 23 Rules) and based upon the aforementioned GLWA Rules, and (iii) amend the GLWA Rules to incorporate the Local Limits Evaluation report of June 1, 2021, as revised. The GLWA has proceeded to comply with these requirements which required approval from each Member Community legislative council; as well as public notices and multiple approvals from the Michigan EGLE. A brief summary of these steps is provided below:

1. November 2019 – GLWA development and adoption of GLWA Rules for the implementation and enforcement of an Industrial Pretreatment Program (IPP).
2. December 2019 through September 2022 – Receipt of concurring resolutions from the 78 Member Communities serviced by the GLWA’s Water Resource Reclamation Facility.
3. June 1, 2021 – Submission of the GLWA Local Limits Reevaluation report to Michigan EGLE. Michigan EGLE public noticed the report and issued an approval letter on January 25, 2022.

4. October 7, 2022 – Submission of an IPP in compliance with 40 CFR 403 (General Pretreatment Regulations), and the Michigan Administrative Code (Part 23 Rules).
5. October 17, 2022 – Public Notice and finalization of the GLWA Rules
6. February 10, 2023 - Michigan EGLE issued an approval letter for GLWA's IPP subject to incorporation into a final NPDES Permit on or after CY 2024.

Throughout these processes, GLWA has posted the reports and documents on its web page at <https://www.glwater.org/iwc/>, and kept the regulated community informed.

SUMMARY OF THE INDUSTRIAL PRETREATMENT PROGRAM

The current IWC regulatory programs includes four components: (1) Industrial Pretreatment Program (“IPP”); (2) Surcharge Program; (3) Hauled-in-Waste Program; and (4) Special Waste Discharge Program.

Industrial Pretreatment Program: The IPP is a local regulatory program to control toxic pollutant discharges to the Detroit Collection System. The IPP regulates the indirect discharge of wastewater by non-domestic, commercial, and industrial users through a permit system. The program complies with requirements of the CWA and associated regulations and the State of Michigan IPP rules. The program is funded by the IWC meter charge.

Surcharge Program: The Surcharge Program complies with Michigan and Federal legislation that requires 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 in excess of limits established by GLWA IPP rules.

Hauled-in-waste Program: This program regulates and controls discharge and release of septic wastes in 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. No specific charge for this program is passed on to the customers but is included in the IWC budget.

Since 1996, the NPDES permit has required DWSD/GLWA to re-evaluate the appropriateness and applicability of Local Pollutant Discharge Limitations for *Pollutants of*

Concern, following a 5-year schedule. In accordance with protocols established by the US EPA and the State of Michigan, A *Headworks* study has been performed to evaluate Local Pollutant Discharge Limitations applicable to the DWSD/GLWA service area. Based on the June 1, 2021, study, as revised, the following amendments to the 2019 IPP Rules are proposed:

1. A new definition is added for the term “Non-residential water meter” to clarify its use in applying the IWC Meter Charge.
2. The definition for “PFAS Compounds” is modified to include eleven (11) additional compounds identified by Michigan EGLE.
3. The definition of “Total Phenolics Compounds” is revised to clarify its meaning.
4. Revised and/or new local pollutant discharge limitations are proposed based upon the approved June 2021 study, as follows:
 - a. The Daily Maximum Limit for Total Phosphorus is reduced from 150 mg/l to 125 mg/l.
 - b. The Daily Maximum Limit for Available Cyanide is added for 1.5 mg/l.
 - c. The Daily Maximum Limit for Copper is reduced from 3 mg/l to 0.72 mg/l.
 - d. The Daily Maximum Limit for Mercury replaces the “non-detect limit with a numerical value of 0.0002 mg/l.
 - e. The Daily Maximum Limit for Perfluorooctane Sulfonic Acid (PFOS) is added for 65 ng/l (nanograms per liter).
 - f. The Daily Maximum Limit for “Total Phenolic Compounds” is revised from 1 mg/l to 5 mg/l.
5. A typographical correction is made to identify “seven (7)” phenolic compounds instead of eight (8).

GLWA is a Michigan municipal authority and public body corporate organized and existing pursuant to the provision of the 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 40CFR Sections 405-471. Currently, the GLWA operates the IPP as the agent for the City of Detroit pursuant to its Regional Sewer Disposal System Lease with the City. The intent of the Lease is that the IPP will be transferred from the City to the GLWA upon EGLE approval. Development and approval of the attached Rules are a part of that transfer process.

SHARED SERVICES IMPACT

This item does not impact to the shared services agreement between GLWA and DWSD.

Attachments: Copy of Michigan EGLE Approval Letter dated January 25, 2022.
 Copy of Michigan EGLE Approval Letter dated February 10, 2023
 Copy of proposed amendments to the 2019 GLWA Rules – Redline
 Copy of proposed amendments to the 2019 GLWA Rules – Clean
 Reference to June 1, 2021, as revised, Local Limits Reevaluation
 reports and GLWA IPP at <https://www.glwater.org/iwc/>.