

Public Comment & Responses – GLWA 2024 Rule Amendments

COMMENT #1-Mahbubur Bhuiyan, P. E., PMP

2024-01

Page 10, “Total Phenolics Compound” Definition: As per 40 CFR 136.3, the approved methods for Total Phenolic Compounds are 4-AAP method which can be EPA 420.1, EPA 420.4, SM 5530 B, SM 5530 D or ASTM 1783-01. All methods listed on 136.3 follow color reaction of 4-aminoantipyrine (4-AAP). Instead of saying US EPA 420.1 we could say total recoverable phenols by 4-AAP colorimetric method.

GLWA RESPONSE #1: GLWA agrees that any of the approved test methods authorized by 40 CFR 136 may be used for analysis. Therefore, GLWA proposes the following revision:

“**Total Phenolic Compounds**” means the quantitative total recoverable phenols determined by US EPA Method 420.1: 4-Aminoantipyrine (4AAP), or alternate approved methods included in 40 CFR 136, as amended.

COMMENT #2-Ameresco Woodland Meadows Romulus LLC2

2024-02

Page 10, “Total Phenolics Compound” Definition: We understand that US EPA Method 420.4 is a commonly used method for total phenolic compounds analysis. Methods 420.1 and 420.4 are the same test; the only difference being 420.1 is the manual colorimetric method and 420.4 is the automated colorimetric method. Therefore, we request that the proposed definition be revised in the rule as follows:

“**Total Phenolic Compounds**” means the quantitative total recoverable phenols determined by US EPA Method 420.1: 4-Aminoantipyrine (4AAP) or US EPA Method 420.4.”

GLWA RESPONSE #2: GLWA agrees that any of the approved test methods authorized by 40 CFR 136 may be used for analysis. Therefore, GLWA proposes the following revision:

“**Total Phenolic Compounds**” means the quantitative total recoverable phenols determined by US EPA Method 420.1: 4-Aminoantipyrine (4AAP), or alternate approved methods included in 40 CFR 136, as amended.

COMMENT #3-Michigan Waste and Recycling Association

2024-03

“We request that GLWA make the following modifications to Sections II.1006 (2) and II.1006 (2) (iv):

2) Centralized Waste Treaters & Landfills: Any Centralized Waste Treatment Facility or an active/inactive landfill who either (i) accepts wastes and Wastewater containing PFAS Compounds for treatment and/or disposal, or (ii) who identifies PFAS Compounds in any wastes or Wastewaters received in accordance with paragraph II-1006-d)(2)(i), or (iii) who becomes or is made aware of PFAS Compounds present in the wastes and Wastewaters from any source, and discharges to the POTW, or (iv) who is notified by the Control Authority that its discharge contains

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PFAS Compounds; shall, develop, submit and implement a ~~comprehensive~~ “PFAS Compound Program” describing methods and procedures to identify, control, reduce, dispose of, eliminate and/or treat wastes and Wastewaters containing PFAS Compounds. ~~At a minimum~~, The PFAS Compound Program shall include the following information, as appropriate, **taking into account the feasibility of estimating or appropriately testing the level of PFAS Compounds in the wastes and the relative mass contribution of regulated PFAS to GLWA's influent compared to overall PFAS loading:**

iv) The PFAS Compound Program must describe a Recordkeeping Program that at a minimum, documents the volume(s) of PFAS Compounds wastes and Wastewaters received; the mass of PFAS Compounds in pounds received by the facility and any mass (in pounds) removed by treatment, discharged to the POTW and disposed of through any other off-site source. Such information shall be summarized for each calendar month and submitted to the Control Authority by the 10th of the succeeding month, **or other frequency approved by the Control Authority.**

... In addition, on page 16 of the draft rules, in the metals table, Mercury is proposed to have a new Daily Maximum Limitation of 0.0002 mg/l, while the current limit is 0.01 mg/l (as of 2022). Please provide a basis for the dramatic decrease.”

GLWA RESPONSE #3: The 2024 Rule Amendments do not propose any changes or revisions to Section II-1006. GLWA has no means of assessing a specific User’s “feasibility of estimating or appropriately testing...”. Therefore, no action will be taken. As it relates to Daily Maximum Limitations; the revisions to the Daily Maximum Limitation for Mercury are based upon the 2020 Local Pollutants Discharge Limitation Study which is included on the GLWA-IWC Group web page at <https://www.glwater.org/iwc/>. The proposed Daily Maximum Limitation for Mercury was approved by Michigan EGLE (See letter dated January 25, 2022 also at the IWC Web page).

COMMENT #4-Detroit Regional Chamber

2024-04

“It’s still not clear to us what the compliance period will be. Could you expand, please?”

GLWA Response #4: Your question inquires on the methods GLWA will employ to implement the 2024 Proposed Rule Amendment. Assuming the proposed 2024 Rule Amendment is approved, implementation will occur following the GLWA Rules. For Users with existing wastewater discharge permits, GLWA will initiate a User permit modification based upon a “Change of Law”. Section II-706 of the GLWA Rules sets forth the permit modification procedure as follows:

Permit modification Procedure. The Control Authority shall inform the Significant Industrial User of any proposed change in its permit. The Control Authority will issue a draft permit using certified mail and provide the Significant Industrial User thirty (30) days to file a response to the draft modified permit. Thereafter, the Control Authority will issue a final permit and, unless appealed, the permit will become effective twenty (20) days after issuance.

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Users will:

1. Receive a written notice of the permit modification for the changes in law (i.e., pollutant limitations, etc.)
2. Users shall have an opportunity to comment as prescribed by the GLWA rules, and
3. Users will be required to provide a compliance report within a reasonable time frame (usually 90-days) to identify any corrective measures, changes to their BMP, changes in treatment or operations and schedule for achieving compliance. If the User is in compliance, the report response needs to state this and the basis for the conclusion.
4. The proposed compliance actions and schedules for implementation will be reviewed by GLWA and if acceptable incorporated into a compliance agreement or Administrative Consent Order (ACO). Note: one or more meetings may be required to finalize a compliance agreement or ACO. (If a longer timeline is identified by the user, it would only be accepted as an ACO with stipulated penalties).

GLWA would begin the process of modifying permits as soon as possible following the effective date of any changes.