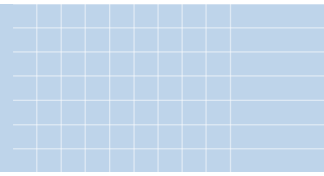




GROUNDWATER DISCHARGES



Natural Resources and Environmental Protection Act Water Resources Protection - MCL 324.31

Department of Environmental Quality - Water Resources Protection Groundwater Quality - Rule 22

Summary:

- › This Act regulates discharges to groundwater to prevent pollution of the groundwater and other waters of the state.
- › The DEQ is the primary regulating agency for discharges to groundwater, but the local health department may assist in administering and enforcing these rules.
- › Discharges to groundwater may not damage the environment or the water supply, and many require a permit. There are several permit types depending on the amount of the discharge and its possible impact on the environment.
- › All permits are open to public comment for a period before the permit is issued, and any person aggrieved by the DEQs decision regarding the permit may petition for a contested case hearing on the matter.

Policy:

The DEQ shall protect and conserve the water resources of the state and shall have control of the pollution of surface and underground waters of the state - groundwaters, lakes, rivers, streams and all other watercourses and waters within the jurisdiction of this state - and the Great Lakes.

The rules are preventative in nature, designed to prevent contamination from occurring.

The resources devoted to a given type of discharge - the direct or indirect discharge of a waste, wastewater or pollutant to the ground or groundwater - should correspond to the threat it poses to public health and the environment.

Interested parties should be given clear information about how the rules apply and what the rules require.

Regulating Agency:

Department of Environmental Quality:

DEQ issues permits for municipal, industrial and commercial discharges to waters of the state to ensure compliance with federal and state law.

Groundwater discharge permit -

http://www.michigan.gov/deq/0,1607,7-135-3313_4117---,00.html

DEQ may not authorize a discharge unless it meets the requirements outlined in the regulated activity section below.

DEQ must compile and keep on file a list of all dischargers who have violated the standards in this Act or failed to submit a complete compliance monitoring report as required by their permit.

For a discharge in a designated wellhead protection area, the DEQ must:

- > notify a person seeking authorization that the proposed discharge is in a designated wellhead protection area; and
- > notify the pertinent public water supply system manager and local health department that a proposed discharge is in a designated wellhead protection area.

Wellhead Protection Area Maps -

http://www.michigan.gov/deq/0,1607,7-135-3313_3675_3695-59280--,00.html

DEQ may authorize the local health department to conduct certain activities pertaining to discharge authorization. Rule 2209.

Local Health Department:

May be authorized to inspect groundwater dischargers and assist the DEQ in securing compliance with its regulations. Rule 2209.

Regulated Activity:

A discharge to groundwater - Rule 2204

- > Cannot be injurious - cannot cause groundwater to lose its usefulness for drinking, agriculture, recreation, industry or other uses;
- > Cannot cause physical damage to neighboring properties or create nuisance conditions;
- > Must be at least 100 feet inside the boundary of the property where the discharge occurs, unless a lesser distance is specifically approved;
- > Must be isolated from water supply wells;
- > Must protect surface water;
- > Cannot create a site of environmental contamination that would need to be cleaned up; and
- > Cannot be in close proximity to sanitary sewer systems.

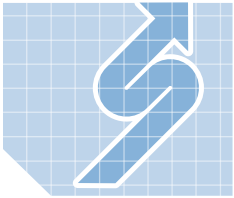
Certain items may be discharged without a permit - see Rule 2210 - These tend to be very

common (eg sanitary sewage from single family homes) but must still comply with the requirements above.

A discharger in a designated wellhead protection area must - Rule 2207

- > provide, to the public water supply system manager, a copy of each monitoring report provided to the DEQ; and
- > notify the public water supply system manager when a discharge has exceeded an applicable standard (within 48 hours of determination by the discharger that standard has been exceeded).

Permit Requirements:



All proposed groundwater permits are subject to a 30-day public notice period. Interested parties can comment on the permit application and make recommendations on whether to issue the permit. The DEQ posts permits on public notice at - <http://www.deq.state.mi.us/owis/Page/main/Home.aspx> - Any interested party can also be placed on the public notice list for a specific facility, and then will receive notice via email. To be placed on a public notice list contact Sherry Thelen at: thelensl@michigan.gov



There are categories of authorizations depending on the type of activity or discharge.

(1) Permit by Rule - Notification - Rules 2211, 2212

Minor discharges are authorized if the discharger notifies the DEQ (in compliance with Rule 2212) of the discharge and it otherwise complies with the requirements for all discharges to groundwater (above).

See Rule 2211 for a list of activities that qualify as minor discharges.

(2) Permit by Rule - Certification - Rules 2213, 2214

Other minor discharges are only authorized if they occur in a specific way.

The discharger must notify the DEQ and the DEQ must certify that the proposed discharge meets the requirements of Rule 2213.

(3) General Permits - Rule 2215

Permits that cover discharges of the same or substantially similar types of operations, involving the same type of waste and requiring the same types of controls.

Does not authorize all discharges, for each discharge, the individual must get a "Certificate of Coverage" from the DEQ stating that the wastewater qualifies for the general permit.

(4) Specific Discharge Permits - Rule 2216

Authorizes discharges that, if uncontrolled, could pose a threat to the environment and/or public health.

This permit requires that the wastewater is treated and controlled.

The requirements for this type of permit are outlined in Rule 2216 and the DEQ considers those factors when deciding whether to issue a permit.

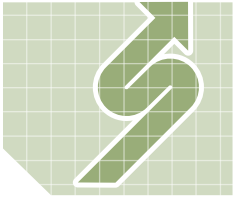
(5) Discharge Permit - Rule 2218

These permits regulate discharges that present the greatest potential threat to the environment and public health.

Rule 2218 outlines the controls imposed on these discharges to protect the environment.

In the discharge permit application, the applicant must consider alternatives to the discharge and the proposed treatment design. Rule 2119 provides alternatives that the applicant should consider.

Discharge standards under this permit are outlined in Rule 2222.



§ 3112 - Any person aggrieved by the issuance, denial, or reissuance of a permit may file a petition with the DEQ for a contested case hearing on the matter if they do so within 60 days of the permit decision. Contested case hearing petition - <http://www.deq.state.mi.us/documents/deq-oah-egpo201.dot>



Enforcement:

Failure to comply with the terms of an authorization, monitoring or reporting requirement, or discharging in excess of a standard is a violation of this Act.

A person in violation of this Act is subject to civil and/or criminal fines and penalties.

The violator is given an initial response period to address the problem, after which they may be subject to penalties.