

DEPARTMENT OF ENVIRONMENTAL QUALITY
WATER RESOURCES PROTECTION

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These rules take effect 15 days after filing with the Secretary of State.

(By authority conferred on the department of environmental quality by sections 3103 and 3106 of Act No. 451 of the Public Acts of 1994, as amended, being §§324.3103 and 324.3106 of the Michigan Compiled Laws)

R 323.2201 to R 323.2211 of the Michigan Administrative Code are amended and R 323.2212 to R 323.2238 are added to the Code as follows:

PART 22. GROUNDWATER QUALITY

R 323.2204 Discharge requirements.

Rule 2204.(1) A person may discharge provided the requirements of this rule are met.

(2) To be authorized under this part, a person shall comply with the following discharge requirements unless otherwise specifically provided:

(a) The discharge shall not be, or not be likely to become, injurious.

(b) The discharge shall not cause runoff to, ponding on, or flooding of adjacent property, shall not cause erosion, and shall not cause nuisance conditions.

(c) The point of discharge shall be located not less than 100 feet inside the boundary of the property where the discharge occurs, unless the discharge is authorized in R 323.2210, R 323.2211, or R 323.2213 or unless a lesser distance is specifically approved by the department in the authorization issued under these rules.

(d) Except for a discharge authorized by R 323.2210, the discharge shall be isolated from water supply wells as follows:

(i) For a discharge authorized by R 323.2211, R 323.2213, R 323.2215, or R 323.2216, the discharge shall be a minimum of 200 feet from a type I or type IIa water supply well, 75 feet from a type IIb or III water supply well in accordance with Act No. 399 of the Public Acts 1976, as amended, being ? 325.1001 et seq. of the Michigan Compiled Laws, and known as the safe drinking water act, and 50 feet from any domestic well in accordance with part 127 of Act No. 368 of the Public Acts of 1978, as amended, being §§333.12701 to 333.12715 of the Michigan Compiled Laws. The department may require a lesser or greater isolation distance in an individual case based on groundwater flow direction, volume, and constituents of contamination of the discharge; geological, surface, and other site conditions; and the degree of threat to the well or wells.

(ii) For a discharge authorized by R 323.2218, the discharge shall be a minimum of 2,000 feet from a type I or type IIa water supply well, 800 feet from a type IIb or III water supply well in accordance with Act No. 399 of the Public Acts 1976, as amended, being ? 325.1001 et seq. of the Michigan Compiled Laws, and known as the safe drinking water act, and 300 feet from a domestic well in accordance with part 127 of Act No. 368 of the Public Acts of 1978, as amended, being ? ? 333.12701 to 333.12715 of the Michigan Compiled Laws. The department may authorize a lesser or greater isolation distance in an individual case based on groundwater flow direction, volume, and constituents of the discharge; geological, surface, and other site conditions; and the degree of threat to the well or wells.

(e) The discharge shall be consistent with the requirements of R 323.1041 to R 323.1117.

(f) Except for a discharge authorized under R 323.2222(7)(b) or R 323.2224(2), the discharge shall not create a facility as defined in part 201. A discharge authorized under R 323.2218 for which compliance is measured only in groundwater will not be considered a facility under this provision based on a measurement between the point of discharge and a point of compliance determined according to R 323.2224(1).

(3) For a discharge to meet the requirements of section 3112(1) of the act, authorization must be granted in conformance with the applicable procedural requirements of R 323.2208 and a person shall be authorized by 1 or more of the following:

(a) An exemption established by R 323.2210.

- (b) A permit by rule established in R 323.2211 or R 323.2213.
- (c) A general permit issued under R 323.2215.
- (d) A permit issued under R 323.2216 or R 323.2218.

R 323.2207 Designated wellhead protection area.

Rule 2207.(1) For a discharge in a designated wellhead protection area, the department shall do both of the following:

- (a) Notify a person seeking authorization under R 323.2211 to R 323.2218 that the proposed discharge is in a designated wellhead protection area.
 - (b) Notify the pertinent public water supply system manager and local health department that a discharge proposed under R 323.2211 to R 323.2218 is in a designated wellhead protection area.
- (2) A discharger in a designated wellhead protection area shall do both of the following:
- (a) Provide, to the public water supply system manager, a copy of each monitoring report provided to the department under R 323.2225 or R 323.2227.
 - (b) Notify the pertinent public water supply system manager when a discharge has exceeded an applicable standard. The notification shall be made within 48 hours of a determination by the discharger that an applicable standard has been exceeded.

R 323.2209 Department authorization of local health department to conduct certain activities.

Rule 2209.(1) The department may authorize a local health department to conduct the following activities for the department if the conditions in subrule (2) of this rule are met:

- (a) Inspect facilities authorized to discharge under this part or facilities discharging in violation of this part and notify the owner or operator of the facility of violations of this part.
 - (b) Recommend to the department a decision on an authorization described in R 323.2215 and R 323.2216. Before making the recommendation, the local health department shall follow the procedures described in this part.
- (2) To be authorized for the activities described in subrule (1) of this rule, a local health department shall be in compliance with all of the following provisions:
- (a) Possess adequate legal authority to conduct the activities authorized.
 - (b) Possess sufficient funding and adequately trained and experienced staff, as determined by the department, to fully and competently perform the activities to be authorized.
 - (c) Conduct the activities according to the terms and conditions of this part.
- (3) The department shall authorize a local health department to conduct activities under this rule pursuant to all of the following procedures:
- (a) To request authorization, a local health department shall provide information determined necessary, and in a manner and at a time specified, by the department. In requesting authorization, the local health department may apply to conduct some or all activities described in subrule (1)(a) of this rule or subrule (1)(b) of this rule, or both.
 - (b) If the local health department meets the qualifications in subrule (2) of this rule, then the department shall issue a document describing the activities authorized and the terms and conditions of the authorization.
 - (c) The department shall provide funds, as may be available through monies appropriated for this purpose by the legislature, to assist a local health department in conducting the activities authorized under this rule.
 - (d) The department may revoke the authority issued under this rule if a local health department fails to meet the conditions described in subrule (2) of this rule.
 - (e) A local health department may relinquish authority granted by the department under this rule by written notice to the department.
- (4) The department may continue to exercise all of its authority granted by the act and this part notwithstanding a grant of authority to a local health department under this rule.
- (5) The department shall provide assistance and training to local health departments authorized under this rule in order to ensure effective and consistent implementation of this part.

R 323.2210 Items permitted to be discharged without permit.

Rule 2210. A person may discharge the following without a permit that would otherwise be required by part 31 if the discharge meets the requirements of R 323.2204:

(a) Sanitary sewage in either of the following circumstances if the sanitary sewage is not mixed with other waste:

(i) The discharge is less than 1,000 gallons per day and the disposal system is approved by the county, district, or city health department that has jurisdiction in accordance with either the requirements of the local sanitary code or the provisions of the publication entitled "Michigan Criteria for Subsurface Sewage Disposal," April 1994. Copies of the publication may be obtained without charge at the time of adoption of these rules from the Michigan Department of Environmental Quality, Drinking Water and Radiological Protection Division, P.O. Box 30630, Lansing, Michigan 48909.

(ii) The discharge is less than 6,000 gallons per day, the disposal system is designed and constructed in accordance with the provisions of the publication entitled "Michigan Criteria for Subsurface Sewage Disposal," April 1994, and the system is approved by the county, district, or city health department that has jurisdiction. Copies of the publication may be obtained without charge at the time of adoption of these rules from the Michigan Department of Environmental Quality, Drinking Water and Radiological Protection Division, P.O. Box 30630, Lansing, Michigan 48909.

(b) Controlled application of any of the following:

(i) An authorized substance to suppress dust. The following are authorized substances:

(A) Water.

(B) Calcium chloride.

(C) Lignosulfate products.

(D) Emulsified asphalt or resin stabilizers.

(E) Vegetable by-products.

(ii) A deicing substance.

(iii) A substance for a natural resource or right-of-way maintenance program.

(iv) A substance for a domestic activity.

(v) A commercially manufactured pesticide or fertilizer for its intended use.

(c) Stormwater, other than from a secondary containment facility, when discharged through surface infiltration.

(d) Stormwater from a secondary containment facility that does not contain leaks or spills if the stormwater is inspected to ensure it meets the standards established in R 323.2222.

(e) Water from a well used temporarily for dewatering at a construction site if the water pumped does not create a site of environmental contamination under part 201.

(f) A discharge from an animal feeding operation that has less than 5,000 animal units if the discharge is determined by the director of the department of agriculture or his or her designated representative, to be in accordance with generally accepted agricultural and management practices, as defined in Act No. 93 of the Public Acts of 1981, as amended, being §§286.471 to 286.474 of the Michigan Compiled Laws, and known as the Michigan right to farm act. For purposes of this rule, 5,000 animal units is equal to 5,000 head of slaughter or feeder cattle, 3,500 mature dairy cattle, 12,500 swine weighing more than 25 kilograms or approximately 55 pounds, 50,000 sheep or lambs, 2,500 horses, 275,000 turkeys, 150,000 laying hens or broilers, or 25,000 ducks. An animal feeding operation is a lot or facility, or series of lots or facilities under 1 ownership which are adjacent to one another or which use a common area or system for the disposal of wastes, that meets both of the following conditions:

(i) Animals, other than aquatic animals, have been, are, or will be stabled or confined and fed or maintained for a total of 45 calendar days or more in any 12-month period.

(ii) Crops, vegetation, forage growth, or postharvest residues are not sustained in the normal growing season over the portion of the lot or facility where animals are confined.

(g) Less than 50 gallons of wastewater per day from a commercial animal care facility.

(h) Observation or monitoring well development or evacuation water.

(i) Potable water used for a domestic or domestic equivalent activities other than sanitary sewage disposal.

- (j) Step test or pump test water from any of the following:
 - (i) A potable well or well used to develop a potable water supply.
 - (ii) A well producing water that meets state or federal criteria for use as potable water.
 - (iii) A test well where the quality of the test well discharge water is equal to or better than the background groundwater quality of the aquifer receiving the discharge.
- (k) Exfiltration from sanitary sewer collection systems.
- (l) Wastewater from a heat pump that has a heat exchange capacity of 300,000 Btu per hour or less if there is no chemical additive to the system.
- (m) Wastewater from a portable power washer when used in either of the following circumstances:
 - (i) By the occupant of a household for washing buildings, vehicles, or other surfaces associated with the domestic occupation of the household.
 - (ii) By a commercial operator or in a commercial or industrial setting to remove nonpolluting substances from vehicles or surfaces when no additives are used and the washing process does not add significant pollutants to the water.
- (n) Swimming pool drainage and backwash water discharged in accordance with sections 12521 to 12534 of Act No. 368 of the Public Acts of 1978, as amended, being §§333.12521 to 333.12534 of the Michigan Compiled Laws.
- (o) Water treatment filter backwash water if disposal is in accordance with plans and specifications approved by the department under Act No. 399 of the Public Acts of 1976, as amended, being §325.1001 et seq. of the Michigan Compiled Laws, and known as the safe drinking water act.
- (p) Carpet cleaning wastewater discharged by a noncommercial operator or by a commercial operator at a site receiving wastewater from not more than 1 location where carpet cleaning has occurred.
- (q) Less than 10,000 gallons per day of noncontact cooling water that does not contain additives if the source of the cooling water is any of the following:
 - (i) A municipal water supply.
 - (ii) A water supply meeting state or federal criteria for use as potable water.
 - (iii) Another source of water meeting the standards of R 323.2222.
 - (iv) Another source approved by the department.
- (r) Land application of process sludge from a wastewater treatment facility treating sanitary sewage when applied in accordance with applicable state and federal law.
- (s) Land application of process sludge from an industrial or commercial wastewater treatment facility when authorized under R 299.4101 to R 299.4922, the administrative rules implementing part 115.
- (t) Placement of other solid waste on the ground when authorized under part 115. This provision does not apply to the disposal of wastewater generated through the operation of a facility licensed under part 115.
- (u) Wastewater associated with an environmental response activity described in any of the following paragraphs if the discharge is to the plume of groundwater contamination, including an area 100 feet hydraulically upgradient of the edge of the plume, and any additive used in the treatment process that is not part of the contamination plume meets the standards of R 323.2222:
 - (i) A pump test discharge that does not change the physical dimensions of the plume in groundwater or, if the dimensions are changed, the changes are accounted for in the design of the final groundwater remediation plan.
 - (ii) A remedial investigation, feasibility study, or remedial action discharge that is at or below the residential criteria authorized by section 20101a(1)(a) of the act, if applicable, or section 21304(a) of the act, if applicable.
 - (iii) A discharge for a remedial investigation, feasibility study, or remedial action above the residential criteria authorized by section 20101a(1)(a) of the act, if applicable, or section 21304(a) of the act, if applicable, if a remediation investigation, feasibility study, or remediation plan has been approved by the department division that has compliance oversight. The remediation plan shall indicate that the treatment system is designed and will be operated so that contaminated groundwater will eventually meet the appropriate land use-based cleanup criteria authorized by section 20120a(1)(a) to (d) of the act, if

applicable, or section 21304(a) of the act, if applicable.

(v) Precipitation and snow melt drainage off vehicles discharged through a general purpose floor drain in a parking structure in which maintenance activities do not occur.

(w) A discharge that has been specifically authorized by the department under a permit if the permit was not issued under this part.

(x) A discharge that occurs as the result of placing waste materials on the ground in compliance with a designation of inertness issued under part 115 or leaving contaminated materials in place in compliance with part 201 or 213.

(y) A discharge that has been determined by the department to have an insignificant potential to be injurious based on volume and constituents. In making the determination, the department shall follow the public notice and comment procedures of R 323.2117 and R 323.2119. The department may establish criteria, limitations, or conditions applicable to the discharge to ensure that it meets the terms of this subdivision.

R 323.2211 Permit by rule; notification.

Rule 2211. A person may discharge any of the following if the requirements of R 323.2204 and R 323.2212 are met:

(a) Sanitary sewage if the volume of the septic tank or tanks is 6,000 gallons or more or if the flow is more than 6,000 gallons per day, but less than 10,000 gallons per day if the following provisions are complied with, if applicable:

(i) The sanitary sewage is not mixed with other wastes.

(ii) The disposal system is designed and constructed in accordance with the provisions of the publication entitled "Michigan Criteria for Subsurface Sewage Disposal," April 1994, and the system is approved by the county, district, or city health department that has jurisdiction. Copies of the publication may be obtained without charge at the time of adoption of these rules from the Michigan Department of Environmental Quality, Drinking Water and Radiological Protection Division, P.O. Box 30630, Lansing, Michigan 48909.

(iii) For a disposal system constructed, reconstructed, or expanded after adoption of these rules, the discharge is monitored by a flow measurement device. The discharger shall record the average daily flow on a weekly basis and the total flow annually in a log that shall be available for review upon request by the department or the county, district, or city health department that has jurisdiction. A report of the average daily flows and annual total flow shall be submitted to the department by January 31 of each year for the preceding calendar year.

(b) Less than 500 gallons per day of wastewater from a laundromat which is open to the general public and which does not contain a dry cleaning operation if all of the following requirements are met:

(i) The wastewater is discharged from a system that has a minimum of 2 1,000-gallon septic tanks in series followed by disposal to a tile field.

(ii) The tanks are pumped when the sludge level reaches 25% of the tank volume.

(iii) An operational lint filter is maintained on the laundry wastewater discharge line to the system.

(iv) The tile field has been designed and constructed in accordance with the provisions of the publication entitled "Michigan Criteria for Subsurface Sewage Disposal," April 1994, and is approved by the local county, district, or city health department that has jurisdiction or the department. Copies of the publication may be obtained without charge at the time of adoption of these rules from the Michigan Department of Environmental Quality, Drinking Water and Radiological Protection Division, P.O. Box 30630, Lansing, Michigan 48909.

(v) The sanitary sewage generated at the facility is routed to the same septic tank as the laundry waste.

(vi) The septic tank is equipped with an effluent filter.

(c) More than 10,000 gallons per day of noncontact cooling water if it does not contain an additive and the source of the cooling water is any of the following:

(i) A municipal water supply.

- (ii) A water supply meeting state or federal criteria for use as potable water.
- (iii) Another source of water meeting the standards of R 323.2222.
- (iv) Another source of water approved by the department as meeting the conditions of R 323.2204.
- (d) Less than 50,000 gallons per day of fruit and vegetable washwater if the following provisions are met, if applicable:
 - (i) The source of the water is any of the following:
 - (A) A municipal water supply.
 - (B) A water supply meeting state or federal criteria for use as potable water.
 - (C) Another source of water meeting the standards of R 323.2222.
 - (D) Another source of water approved by the department as meeting the conditions of R 323.2204.
 - (ii) If the wastewater contains an additive, the department is notified of the additive in the notification required in R 323.2212 and the discharge does not cause the groundwater to exceed the standard of R 323.2222 for the additive.
- (e) Wastewater from a portable power washer used by a commercial operator or in a commercial or industrial setting whether or not occurring within 100 feet of the property boundary if the following requirements are met, as applicable:
 - (i) The source of the water is any of the following:
 - (A) A municipal water supply.
 - (B) A water supply meeting state or federal criteria for use as potable water.
 - (C) Another source of water meeting the standards of R 323.2222.
 - (D) Another source of water approved by the department as meeting the conditions of R 323.2204.
 - (ii) If other than a household soap or detergent readily available to the consumer is used as an additive, the additive is used for its intended purpose and according to manufacturer's recommendations and label directions.
 - (iii) Washing is limited to the removal of dirt and grime from the exterior of a vehicle, equipment, or stationary source. A vehicle's exterior does not include its undercarriage. Dirt and grime does not include a substance that was contained or transported in the vehicle as product or waste material.
 - (iv) The discharge does not cause runoff of wastewater or the deposition of waste materials onto adjacent properties.
 - (v) The discharge does not cause the groundwater to exceed a standard specified in R 323.2222.
 - (vi) The discharge is limited to 1,000 gallons of wastewater per month per acre of area in which the discharge occurs.
 - (vii) If the discharger is a commercial operator who discharges at various locations, a log is kept of discharges for a period of 3 years from the date of the discharge. The log shall include the date, location, and additive used for each discharge and the item washed. The log shall be readily available for inspection and copying at any reasonable time by a peace officer or, upon presentation of credentials, an authorized representative of the department or city, county, or district health department that has jurisdiction.
- (f) Pump test water associated with environmental remediation that is discharged outside the plume of contamination if the discharge meets the standards of R 323.2222.
- (g) Water that results from the hydrostatic testing or flushing of a new pipeline or pressure testing of a new tank if both of the following provisions have been met:
 - (i) An additive has not been used.
 - (ii) The source of the washwater is any of the following:
 - (A) A municipal water supply.
 - (B) Another water supply that meets state or federal criteria for use as potable water.
 - (C) Another source of water meeting the standards of R 323.2222.
 - (D) Another source of water approved by the department as meeting the conditions of R 323.2204.
- (h) More than 50, but less than 1,000, gallons per day of wastewater from a commercial animal care facility if all of the following provisions have been met:
 - (i) The source of the water is any of the following:

- (A) A municipal water supply.
- (B) Another water supply that meets state or federal criteria for use as potable water.
- (C) A source of water meeting the standards of R 323.2222.
- (D) Another source of water approved by the department as meeting the conditions of R 323.2204.
- (ii) The department is notified of any additive in the notification required by R 323.2212 and the discharge does not cause the groundwater to exceed the standard established by R 323.2222 for the additive.
- (iii) The discharge does not occur within 200 feet of a surface water body.

R 323.2212 Discharge notification.

Rule 2212.(1) A person is authorized to discharge under R 323.2211 if the department is notified of the discharge under this rule.

(2) A person shall notify the department under this rule at the following times:

- (a) Before the discharge.
- (b) When there is a change in the information required in the notification form described in subrule (3) of this rule.

(c) Five years from the date of the previous notification if the discharge is continuing.

(3) A person shall provide notice on a form approved by the department. At a minimum, the notice shall contain all of the following information:

- (a) Date of the notification.
- (b) Facility name and address.
- (c) The discharge address, if different from the facility, and the location identified by county, section, township, and range.
- (d) Authorized contact person's name, address, and telephone number.
- (e) The permit or exemption number and issuance date for any groundwater discharge permit or exemption previously issued to the discharger.
- (f) The type of wastewater discharged and a description of the discharge.
- (g) For discharges authorized by R 323.2211(f) and R 323.2213(5), a description of the treatment system designed to meet the standards of R 323.2222.
- (h) Standard industrial classification (SIC) code.
- (i) Method of wastewater disposal, such as irrigation or seepage lagoon.
- (j) Any additive and the amount used.
- (k) Discharge volume or application rate in appropriate units.
- (l) Dates of discharge and schedule of discharge, as appropriate.
- (m) Two legible site maps drawn to scale that have a north orientation arrow. Site map 1 shall indicate the discharge location in relation to property boundaries on a topographic map. The township and county name in which the discharge area is located shall be included on site map 1. Site map 2 shall indicate the discharge area and the distance from property boundaries. Major roads and streets shall be included on all site maps.
- (n) Name, address, and telephone number of the owner of the property where the discharge is to occur if the owner is other than the discharger.
- (o) If the discharge is to property owned by a person other than the discharger, a written authorization to discharge signed by the property owner.
- (p) A determination of whether the discharge will occur within 1/4 mile of a known site of groundwater contamination, other than for a remedial action for which the notification form is being submitted, and an evaluation of whether the discharge will impact the existing plume of contamination at the site.
- (q) Signature and certification by the discharger or a person authorized to act for the discharger, as described in R 323.2114, that the discharger has identified and considered steps to avoid or minimize the use and discharge of pollutants, that all information submitted is true, accurate, and complete, and that the discharge meets the requirements of this part.

R 323.2213 Permit by rule authorizing discharge upon department certification.

Rule 2213.(1) Wastewater described in this rule may be discharged if the requirements of R 323.2204 and R 323.2214 are met.

(2) A person may discharge less than 10,000 gallons per day of noncontact cooling water that contains an additive if the department is notified of the additive in the notification required by R 323.2212 and the discharge does not cause the groundwater to exceed the standard of R 323.2222 for the additive.

(3) A person may discharge less than 10,000 gallons per day of egg-washing facility wastewater if all of the following provisions are satisfied:

(a) The source of the water is any of the following:

(i) A municipal water supply.

(ii) A water supply meeting state or federal criteria for use as potable water.

(iii) Another source of water meeting the standards of R 323.2222.

(iv) Another source of water approved by the department.

(b) If the wastewater contains an additive, the department is notified of the additive in the notification required by R 323.2212 and the discharge does not cause the groundwater to exceed the standard established by R 323.2222 for the additive.

(c) The discharger minimizes the discharge of proteinaceous matter, such as egg yolks, and other wastes to the groundwater to control odors and prevent nuisance conditions.

(4) A person may discharge cooling water if all of the following provisions are satisfied:

(a) The discharge is less than 5,000 gallons per day.

(b) If the wastewater contains an additive, the department is notified of the additive in the notification required by R 323.2212 and the discharge does not cause the groundwater to exceed the standard established by R 323.2222 for the additive.

(c) The discharger submits, as part of the notification required by R 323.2212, wastewater characterization which demonstrates that the discharge will not exceed standards of R 323.2222.

(d) The material cooled does not vary substantially from that used in providing the wastewater characterization required by subdivision (c) of this subrule.

(e) The discharger characterizes the wastewater annually and submits records of that annual characterization in the notification required by R 323.2212(2)(c).

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(5) A person may discharge wastewater which is associated with a department -approved groundwater remediation and which is discharged outside the plume of contamination if all of the following provisions are satisfied:

(a) If the discharge is associated with the investigative phase of a remediation or active groundwater remediation, the discharge is conducted in compliance with all applicable parts of the act.

(b) The discharge is treated to meet the standards of R 323.2222. The discharger shall submit to the department a description of how the proposed treatment system will achieve the standards of R 323.2222.

(c) The remedial action shall include a groundwater extraction system designed and operated to prevent any portion of the plume above approved cleanup criteria from migrating beyond an approved zone of influence. The approval for the location of the zone of influence is the responsibility of the department division that has compliance oversight.

(d) The discharger provides an accurate and complete verification at the time of notification, as required in R 323.2214, that the discharge meets the requirements of part 31, this part, and part 111, 115, 201, 213, or 615, as applicable. Verification shall be provided in the form of a memorandum from the chief, or his or her designated representative, of the department division responsible for compliance oversight of the remediation.

(e) A performance monitoring plan shall be included in the remediation plan submitted to the department division responsible for compliance oversight at the facility. The plan shall include the following:

(i) Groundwater monitoring to verify that the standards of R 323.2222 are being met in groundwater. The monitoring shall meet the requirement of R 323.2224(1)(c).

(ii) At least twice weekly remediation system effluent monitoring capable of verifying that the treatment system can comply with the standards of R 323.2222. After demonstrating for not less than 90 days that the treatment system is capable of meeting the standards of R 323.2222, the discharger may apply to the department division responsible for

compliance oversight for a reduced frequency of effluent monitoring until the remediation is completed according to the act.

(f) Effluent and groundwater sampling required to verify compliance with this subrule shall be collected and analyzed at a frequency indicated in the performance monitoring plan.

The frequency of monitoring and reporting must be approved by the department division responsible for compliance oversight, but shall not be less than once per year.

(g) Performance monitoring data shall be submitted to the department division responsible for compliance oversight.

(h) The discharger shall, at all times, maintain in good working order all treatment or control facilities or systems installed or used by the discharger to achieve compliance with the terms and conditions of this rule. If the discharger is unable to maintain compliance with the terms and conditions of this rule, then the discharger shall provide the notification and conduct the compliance activities described in R 323.2227.

R 323.2214 Conditions for department certification.

Rule 2214.(1) A discharge is authorized under R 323.2213 if the department is notified of the discharge under R 323.2212.

(2) For a discharge authorized by R 323.2213(5), the following information, in addition to the information required by subrule (1) of this rule, shall be provided:

(a) Site map 1, required in R 323.2212(3)(m), shall include a description of the location of 18

drinking water wells that is adequate to identify each water supply formation within ½ mile of the discharge. A copy of the well logs for each drinking water well included on the map shall also be provided with the notification.

(b) Site map 2 required in R 323.2212(3)(m) shall include all of the following information:

(i) Groundwater flow direction.

(ii) Extent of contamination plume.

(iii) Calculated capture zone.

(iv) Location of the groundwater extraction and interception system.

(v) Location of all observation and monitoring wells.

(vi) A description of the treatment system indicating how it will produce an effluent that will meet the standards of R 323.2222.

(3) In order to discharge, a person must receive a certification from the department which verifies that the discharge is authorized under this part. Within 60 calendar days of receiving a complete notification form required by this rule, the department shall issue a certification or indicate why the discharger is not authorized to discharge under this rule.

R 323.2215 General permit.

Rule 2215.(1) Upon a determination by the department that a certain category of discharges is appropriately and adequately controlled by a general permit, the department may issue a general permit under this rule.

(2) A discharge covered by a general permit issued under this rule shall meet all of the following conditions:

(a) Meet the conditions in R 323.2204(2).

(b) Involve the same or substantially similar types of operations.

(c) Be of the same type of wastes.

(d) Require the same effluent limitations or operating conditions.

(e) Require the same or similar monitoring and reporting.

(3) To qualify for a certificate of coverage for a general permit issued pursuant to this rule, an applicant shall certify that the applicant has identified and considered steps to minimize the use and discharge of pollutants authorized to be discharged by the general permit.

(4) The department shall periodically publish the names of persons who have received a certificate of coverage for a general permit issued under this rule.

R 323.2216 Permits for specific discharges.

Rule 2216.(1) A wastewater described in this rule may be discharged under a permit issued by the department in compliance with R 323.2217 if the conditions of R 323.2204 are met.

(2) A person may discharge less than 20,000 gallons per day of sanitary sewage that has been treated by a system described in subdivision (a) or (b) of this subrule if the treatment system is operated to achieve optimum treatment efficiencies for the specified design as follows:

(a) The discharge receives treatment by a constructed wetland and associated treatment system that meets all of the following requirements:

(i) A minimum of 2 septic tanks installed in series precedes the constructed wetland. The septic tanks shall have a minimum combined volume of 2 times the daily design flow. The outfall to the constructed wetland shall be equipped with a septic tank effluent filter.

(ii) The system shall have a treatment process to enhance nitrification prior to discharge to the constructed wetland.

(iii) If the discharge is expected to have high concentrations of oil and grease, such as sanitary sewage from a food service establishment, then the discharge shall be treated to remove oil and grease.

(iv) The system shall have a minimum of 2 wetland cells to allow for isolation or maintenance of individual cells.

(v) Each wetland cell shall have an aspect ratio, which is length to width ratio, of between 2:1 and 4:1.

(vi) The constructed wetland shall have a composite bottom liner in compliance with R 323.2237. The bottom of the wetland cell shall be constructed to be level.

(vii) The wetland cell filter media shall consist of ½-inch to 1-inch washed gravel with 100% passing the 1.0-inch sieve and a maximum of 3% passing the ½-inch sieve.

(viii) The filter media shall not be less than 18 inches or more than 30 inches in depth.

(ix) The effective water depth in the wetland cell shall be maintained between a range of 2 to 6 inches below the filter media surface.

(x) The constructed wetland shall be insulated with at least 6 inches of mulch or other comparable substitute and designed to protect against freezing.

(xi) The filter surface area hydraulic loading rate is not more than 1.2 gallons per square foot per day.

(xii) The design retention time shall not be less than 7 calendar days.

(xiii) Indigenous or sterile wetland vegetation, such as bulrushes, common reeds, and cattails, shall be planted on a 1-foot grid across each wetland cell.

(xiv) Wetland vegetation shall be cultivated to maximize the rooted depth throughout the gravel filter media.

(xv) The system shall have the capability to recirculate effluent back into the influent end of the system when additional flow is needed into the system.

(xvi) The wetland cell shall discharge to a tile field designed and constructed in accordance with the provisions of the publication entitled "Michigan Criteria for Subsurface Sewage Disposal," April 1994, and approved by the county, district, or city health department that has jurisdiction. Copies of the criteria may be obtained without charge at the time of adoption of these rules from the Michigan Department of Environmental Quality, Drinking Water and Radiological Protection Division, P.O. Box 30630, Lansing, Michigan 48909. If the county, district, or city health department that has jurisdiction chooses not to review the tile field design, then the department shall review and approve the system under this subrule.

(b) The discharge is treated by an alternative treatment system or combination of systems that is determined by the department to provide a similar quality effluent to the treatment system specified in subdivision (a) of this subrule.

(c) For a treatment system described in subdivision (a) or (b) of this subrule, if flow is more than 10,000 gallons per day, then the effluent shall be monitored in accordance with R 323.2232(a),(b),(e), and (f).

(3) A person may discharge less than 50,000 gallons per day of sanitary sewage if all of the following provisions are satisfied:

(a) The sanitary sewage is not mixed with other waste.

(b) The discharge meets the isolation distance requirements specified in R 323.2204(2)(d)(ii).

(c) The sanitary sewage is treated by a treatment system in accordance with R 323.2230 and R 323.2231.

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(d) The discharge is limited and monitored in accordance with the requirements of R 323.2232.

(4) A person may discharge less than 20,000 gallons per day of laundromat wastewater if the laundromat is open to the general public, does not contain a dry cleaning operation, and all of the following requirements are met:

(a) The discharge is treated by a lagoon treatment system that meets the requirements of R 323.2231(1)(a) to (e).

(b) The wastewater treatment system is operated in accordance with R 323.2231(1)(g) to (j) and maintained in accordance with R 323.2231(k).

(c) Disposal is by means of low-rate application in accordance with R 323.2233 and utilizing spray irrigation under pressure to enhance volatilization of organic constituents in the discharge.

(d) The discharge limitations and monitoring requirements are as follows:

(i) Flow shall be measured on a daily basis.

(ii) The discharge will be monitored on an annual basis for all of the following:

(A) The pH.

(B) Chemical oxygen demand (COD).

(C) Conductivity.

(D) Volatile organics using environmental protection agency (EPA) test method 8260 or other method approved by the department for this purpose.

(E) Aluminum.

(F) Arsenic.

(G) Cadmium.

(H) Total chromium.

(I) Hexavalent chromium.

(J) Copper.

(K) Lead.

(L) Nickel.

(M) Zinc.

(N) Total phosphorus.

(O) Ammonia nitrogen.

(P) Nitrate nitrogen.

(Q) Nitrite nitrogen.

(R) Sodium.

(S) Chloride.

(T) Potassium.

EPA test method 8260 is adopted by reference in these rules and is contained in the EPA document entitled "Test Methods for the Evaluation of Solid Waste, Physical-Chemical Methods," SW-846, 3rd Edition, September 1986, as updated through the effective date of these rules. SW-846 is available for inspection at the Lansing office of the department of environmental quality, waste management division. The document and updates may be purchased from the United States Government Printing Office, Superintendent of Documents, P.O. Box 371954, Pittsburgh, Pennsylvania 15250-7954, or the Michigan Department of Environmental Quality, Waste Management Division, P.O. Box 30241, Lansing, Michigan 48909, at a cost at the time of adoption of these rules of \$319.00, plus shipping and handling.

(iii) The application rate shall be measured in inches per day and in inches per week and recorded twice per month. The application rate shall not be more than 1 inch per day or 3 inches per week.

(e) The discharger shall report monitoring results in compliance with R 323.2225.

R 323.2218 Discharge permits.

Rule 2218.(1) The department shall issue a permit for a discharge other than a discharge meeting the requirements of R 323.2210 to R 323.2217, but meeting the requirements of R 323.2204, under the terms of R 323.2208 and this rule.

(2) To be permitted under this rule, a discharge shall meet the requirements of R 323.2204, R 323.2220 to R 323.2222, and, if applicable, R 323.2233 and R 323.2237. In addition, the proposed system for treating the wastewater to be discharged shall have sufficient hydraulic capacity and detention time to adequately treat the anticipated organic and inorganic pollutant loading. To demonstrate that these requirements are met, at the time of application a permit applicant shall submit a basis of design for the treatment system. The basis of design shall include all of the following information:

(a) The volume of wastewater to be treated per unit of time.

(b) An analysis of the influent, or a description of the anticipated influent, including the substances to be treated to meet the requirements of R 323.2222 and the concentrations of the substances.

(c) A description of the existing or proposed treatment, or both, including, where applicable, the following:

(i) The treatment methods before discharge, based on treatment classifications for certified operators developed under R 323.1251 to R 323.1258 and implementing part 31 for an industrial or commercial entity or developed under R 299.2911 to R 299.2927 and implementing part 41 of the act for a sewage treatment works operated by a municipality.

(ii) To the extent applicable, engineering plans depicting all of the following:

(A) A schematic flow diagram.

(B) Information on unit processes.

(C) Flow rates.

(D) Design hydraulic capacity.

(E) Pollutant loading.

(F) Detention times.

(G) Sizing of treatment units.

(H) Design calculations for major treatment units.

(I) A description of sludge management.

(iii) A discharge management plan that includes, where applicable, all of the following information:

(A) Maximum daily and annual discharge volumes.

(B) The total discharge area.

(C) Scheduled maintenance.

(D) Vegetative cover control and removal.

(E) Load and rest cycles.

(F) Application rates.

(G) Means for even distribution of waste or wastewater.

(H) Strategies for periods of adverse weather.

(I) Monitoring procedures.

(J) Other pertinent information.

(d) For a discharge of sanitary sewage, unless these rules provide otherwise, the treatment system shall be consistent with the standards in chapter 10 of the publication entitled "Engineering Reports and Facility Plans of the Recommended Standards for Wastewater Facilities," 1997 edition. The standards in chapter 10 are adopted by reference in these rules. The standards may be purchased from Health Education Services, P.O. Box 7126, Albany, New York 12224, or from the Michigan Department of Environmental Quality, Waste Management Division, P.O. Box 30241, Lansing, Michigan 48909, at a cost at the time of adoption of these rules of \$12.00, plus shipping and handling.

(3) An application for a discharge permit to be issued under this rule shall be made on a form determined by the department. An application under this rule shall be administratively complete before it is considered by the department for decision. Administrative completeness is determined as follows:

(a) An application for a discharge that has not been previously permitted shall include all of the following information:

- (i) The basis of design as required by subrule (2) of this rule.
 - (ii) An evaluation of the feasibility of alternatives to discharge to the groundwater in accordance with R 323.2219.
 - (iii) The wastewater characterization as required by R 323.2220.
 - (iv) The hydrogeological report as required by R 323.2221.
 - (v) If a standard applicable to the discharge is to be determined under R 323.2222(5), the information necessary to determine that standard, including whether a substance is a hazardous substance under part 201.
 - (vi) If applicable, the monitoring plan as specified by R 323.2223.
 - (vii) If applicable, a description of the discharge methods and information that demonstrate that the requirements of R 323.2233 will be met.
 - (viii) If applicable, information that demonstrates that the requirements of R 323.2237 will be met.
- (b) An application for the renewal of a permit where the discharge is proposed to be modified in quantity, effluent characterization, or treatment process from that previously permitted shall include all of the following:
- (i) The request for reissuance specified in R 323.2151.
 - (ii) An updated submission of the items listed in subdivision (a) of this subrule corresponding to the differences between the proposed discharge and the discharge previously permitted.
 - (iii) All of the following information:
 - (A) A narrative description of the facility's history of compliance with effluent and groundwater permit limits and sampling frequency.
 - (B) If permit limits were exceeded, the steps taken to bring the facility into compliance.
 - (C) An evaluation of whether there are general trends in the effluent or groundwater sampling data indicating that the discharge is approaching permit limits.
 - (D) An updated site map.
 - (E) A current groundwater contour map and a narrative evaluation of whether changes to the existing groundwater monitoring system are warranted and the rationale for any proposed change.
 - (F) The most recent groundwater quality results from all wells on site.
 - (G) The most recent effluent quality results.
 - (H) The most recent static water levels and groundwater elevations from all wells on site.
- (c) An application for the renewal of a permit where the discharge will consist of the same quantity, effluent characterization, and treatment process as previously permitted shall include all of the following:
- (i) The request for reissuance specified in R 323.2151.
 - (ii) A certification by the discharger that the discharge will consist of the same quantity, effluent characterization, and treatment process as previously permitted.
 - (iii) The information required by subdivision (b)(iii) of this subrule.
- (d) A discharger who proposes to modify the quantity or effluent characteristics of a discharge shall notify the department of the proposed modification before it occurs. If the department determines the proposed modification is minor based on the quantity or quality of the discharge, then the department may modify the permit as requested and include new terms or conditions that may be necessary to ensure that the terms of R 323.2204 are met. If the department determines that the proposed modification is significant based on the quantity or quality of the discharge, then the discharger shall submit an application for reissuance under the terms of subdivision (b) of this rule.
- (e) A discharger who proposes to modify the treatment process of a discharge shall notify the department of the proposed modification before it occurs. Unless the department notifies the discharger within 30 calendar days that the proposed modification may affect compliance with limitations on the quality or quantity of the discharge, the discharger may make the modification. If the department notifies the discharger and determines that the proposed modification is minor based on the quantity or quality of the discharge, then the department may modify the permit as requested and include new terms or conditions that may be necessary to ensure that terms of R 323.2204 are met. If the department notifies the discharger and determines that the proposed modification is significant based on the

quantity or quality of the discharge, then the discharger shall submit an application for reissuance under the terms of subdivision (b) of this subrule.

(4) A discharge authorized under this rule shall meet the conditions of this subrule. The department may waive the conditions of subdivision (a) or (b) of this subrule, individually or collectively, if the department determines that the purpose of the subdivision to be waived has been met.

(a) Within 30 calendar days of completion of construction of treatment facilities, a discharger shall provide, to the department, certification by an engineer licensed under Act No. 299 of the Public Acts of 1980, as amended, being §339.101 et seq. of the Michigan Compiled Laws, and known as the occupation code, that a quality control and quality assurance program was utilized and that the facilities constructed were built consistent with standard construction practices to comply with the permit and this part.

(b) A discharger shall have an operation and maintenance manual for the wastewater treatment facility. The manual shall be used by the certified operator of the facility as a guide for facility operation and maintenance. The operation and maintenance manual shall include all of the following information:

(i) The function, start-up, shutdown, and periodic maintenance procedures for each unit process and item of mechanical and electrical equipment.

(ii) A description of the appropriate response or facility adjustment to minimize the impact of emergency situations with the potential to affect the discharge or compliance with the permit so as to facilitate rapid implementation of a correct response during an emergency.

(iii) A monitoring program to monitor process efficiency.

(iv) The details of how inspections will be conducted and a schedule for the inspection of collection system and pump stations, where applicable.

(v) The periodic maintenance procedures for the collection system and pump stations, where applicable.

(vi) Procedures for routine maintenance and inspection of lagoons and equipment used for irrigation, where applicable, and the documentation of maintenance and inspection.

(vii) A listing of environmental regulations, other than this part, that apply to operation of the wastewater treatment facility.

(c) A discharger shall monitor the discharge and its effect as specified in R 323.2223.

(d) A discharger shall report monitoring results as specified in R 323.2225.

(e) A discharger shall close the wastewater treatment and discharge area as specified in R 323.2226.

R 323.2219 Evaluation of feasibility of alternatives to discharge to groundwater.

Rule 2219.(1) An evaluation of the feasibility of alternatives to discharge to the groundwater required by R 323.2218(3)(a)(ii) shall contain, at a minimum, an analysis of the feasibility of items contained in this rule. Feasibility includes the practical ability to implement the alternative and a comparison of the cost of the alternative to its benefits.

(2) At a minimum, alternatives to the discharge that shall be considered are minimizing the volume and toxicity of the wastewater, recycling wastewater, connecting to a municipal sanitary sewer system, and discharging to surface water. Alternatives for minimizing the volume and toxicity of wastewater include pollution prevention opportunities, including the following:

(a) Equipment or technology modifications.

(b) Process or procedure modifications.

(c) Reformulation or redesign of products.

(d) Substitution of raw materials.

(e) Improvements in housekeeping, maintenance, training, or inventory control.

(3) At a minimum, the following treatment systems shall be considered for substances determined to be in the discharge by the characterization required by R 323.2220:

(a) For a metal, the following:

(i) Flocculation.

(ii) Settling.

(iii) Oxidation.

(iv) Filtration.

- (v) Ion exchange
- (vi) Reverse osmosis.
- (vii) Electrolytic recovery.
- (b) For a volatile substance, the following:
 - (i) Carbon adsorption.
 - (ii) Air stripping.
 - (iii) Aeration.
- (c) For a nonvolatile substance, the following:
 - (i) Sorption.
 - (ii) Settling.
 - (iii) Filtration.
- (d) For a substance that degrades biologically, biological treatment in a lagoon, tank, or biological reactor or through controlled land treatment.

R 323.2222 Discharge standards.

Rule 2222.(1) Except as provided in R 323.2206(4), a discharge authorized by a permit issued under R 323.2218 shall not exceed the standards contained in this rule when measured as indicated. For purposes of this rule, compliance with the standards in this rule when measured in the groundwater shall be determined as described in R 323.2224.

(2) A discharge that contains a substance that is capable of being treated by the actions of soil, soil microorganisms, or plants shall be limited as follows:

(a) A discharge that contains ammonia, nitrate, or nitrite shall be at a concentration that is less than either of the following standards:

(i) Five thousand micrograms per liter (ug/l) of total inorganic nitrogen, and not more than 500 ug/l nitrite, as measured in the effluent and groundwater.

(ii) Five thousand micrograms per liter (ug/l) of total inorganic nitrogen, and not more than 500 ug/l nitrite, as measured in the groundwater and an effluent standard indicated in the permit that can be reasonably shown by the applicant to result in meeting the groundwater standard.

(b) A discharge that contains phosphorous shall be at a concentration that is less than 5,000 ug/l as measured in the effluent, unless the department determines that either of the following alternative concentrations is appropriate:

(i) If a body of surface water is within 1,000 feet hydraulically downgradient of the discharge, then the concentration shall be less than 1 of the following standards:

(A) One thousand ug/l as measured in the effluent.

(B) One thousand ug/l as measured in the groundwater and an effluent standard that can be reasonably shown by the applicant to result in meeting the groundwater standard.

(C) A groundwater or effluent standard indicated in the permit that is determined by the department as necessary to protect surface waters as required by R 323.1041 to R 323.1117.

(ii) If a body of surface water is not less than 1,000 feet downgradient of the discharge, a concentration measured in the effluent or groundwater, or both, that has been demonstrated by the applicant to protect surface waters as required by R 323.1041 to R 323.1117.

(c) A substance other than ammonia, nitrate, nitrite and phosphorus that can be demonstrated by the applicant to qualify under this subrule shall be at a concentration less than either of the following standards:

(i) The standard established for the substance in subrules (3) to (7) of this rule as measured in the effluent and groundwater.

(ii) The standard established for the substance in subrules (3) to (7) of this rule as measured in the groundwater and an effluent standard indicated in the permit which can be reasonably shown by the applicant to result in the groundwater standard being met.

(3) A discharge containing a substance indicated in the following subdivisions shall be at a concentration that is less than the standard indicated:

(a) Aluminum, 150 ug/l.

(b) Chloride, 250,000 ug/l.

(c) Sodium, 150,000 ug/l.

(d) Sulfate, 250,000 ug/l.

(e) Iron, 300 ug/l.

(f) Manganese, 50 ug/l.

Compliance with this standard shall be determined in the effluent or groundwater, as selected by the applicant and specified in the permit.

(4) The allowable concentration for total trihalomethanes shall be 20% of the concentration at which a facility as defined by part 201 would be created. The allowable concentration shall be measured in the effluent and groundwater. To determine total trihalomethanes, a discharge shall be assessed by summing the concentrations of the following substances if found to be present:

(a) Chloroform.

(b) Bromodichloromethane.

(c) Dibromochloromethane .

(d) Bromoform.

(5) A discharge containing a substance not described in subrule (2)(a) or (b), (3), or (4) of this rule shall be limited as follows:

(a) If the substance is an inorganic substance not described in subrule (2)(a) or (b) or (3) of this rule, then the concentration of the substance in the groundwater shall not exceed a concentration $\frac{1}{2}$ way between the background groundwater quality and the concentration at which the site would be a facility as defined by part 201. Background groundwater quality for this purpose shall be determined by upgradient wells located pursuant to the hydrogeological report described in R 323.2221. The discharger shall notify the department if the concentration of the inorganic substance in groundwater exceeds the background groundwater quality determined under R 323.2221. An initial notification at the time when the condition first exists fulfills the discharger's obligation of notifying the department. The department will notify the discharger of the excessive concentration of the inorganic substance if the department becomes aware of it before notice from the discharger.

(b) If the substance is an organic parameter for which a treatment technology standard is established for the substance under R 323.2229, then the following provisions apply, as applicable:

(i) If the concentration of the substance in the effluent exceeds the treatment technology standard, then the discharger shall take initial response as required by R 323.2228. The initial response concentration established in this paragraph may be modified under R 323.2222(2)(c)(ii) based on the concentration in the groundwater established in paragraph (ii) of this subdivision.

(ii) The concentration of the substance in groundwater shall not exceed the treatment technology standard. Measurement for this purpose shall be according to R 323.2224, except that R 323.2224(2) shall not apply.

(c) If the substance is an organic parameter for which there is a standardized or EPA approved analytical method and if a treatment technology based standard has not been determined under R 323.2229, then the following provisions apply, as applicable:

(i) The concentration of the substance in the effluent shall not exceed that concentration, if it occurred in the groundwater, a facility as defined by part 201 would exist.

(ii) If the substance is detected in groundwater, then the discharger shall take initial response as required by R 323.2228. Measurement for this purpose shall be according to R 323.2224, except that R 323.2224(2) shall not apply.

(d) If the substance is an organic parameter for which there is no standardized or EPA approved analytical method, then the discharge shall be controlled by limiting the volume of the substance used by the discharger. The volume shall result in a discharge that has a concentration of the substance, as determined by use of a mass balance equation, which does not exceed the concentration at which a facility as defined by part 201 would be created.

(e) If there is insufficient information concerning the substance to determine the criteria described in subdivision (a), (c), or (d) of this subrule, then the substance shall not be discharged, except pursuant to subrule (7) of this rule.

(6) If the standard determined under subrule (5) of this rule is below the detection limit as determined by the department for this part, then the department may take 1 of the following actions:

- (a) Deny the application if the risks associated with the inability to detect the substance at concentrations below the detection limit are determined by the department to be unacceptable.
- (b) Require the discharger to demonstrate that the concentration in the discharge is not above, and cannot be above, the standard by estimating the concentration of the substance in the discharge as described in R 323.2220(5) or by monitoring the internal processes for the substance.
- (c) Establish a standard in the permit at the detection limit as determined by the department for the purposes of compliance with this subrule.
- (7) The department may approve a standard different from the standards established in subrules (2) to (6) of this rule under any of the following circumstances:
- (a) The discharge is to groundwater in an unusable aquifer or not in an aquifer.
- (b) The groundwater affected by the discharge vents to surface water and all of the following conditions are met:
- (i) Venting of groundwater affected by the discharge to surface water is demonstrated by a hydrogeologic report meeting the requirements of R 323.2221.
- (ii) Uses of the surface water are protected in accordance with R 323.1041 to R 323.1117.
- (iii) Except as provided in paragraph (v) of this subdivision, the distance between the point of discharge and the point of venting to surface water is less than 1,000 feet.
- (iv) Deed restrictions, on a form approved by the department, preventing the withdrawal and use of the groundwater for all protected uses that would be impacted by the discharge have been recorded with the register of deeds for all property, including the property of the discharger, downgradient from the discharge to the point of venting.
- (v) A discharge otherwise meeting the conditions in this subrule that occurs at more than 1,000 feet from the point of venting to surface water may be authorized if the discharger owns all property between the point of discharge and the point of venting and if the department determines that alternative methods of wastewater disposal are not economically or technically feasible, that a prudent alternative does not exist, and that the discharge promotes the public health, safety, and welfare in light of the state's paramount concern for the protection of its natural resources.
- (c) The department may issue a permit that has a limit that is higher than the standard established by subrules (2) to (6) of this rule, if all other conditions of this part are met and if the applicant demonstrates either of the following:
- (i) Background groundwater quality exceeds the standard established in this rule for any substance and the discharge does not increase the concentration of the substance in the groundwater. A permit issued under this subdivision may limit a substance in the discharge in order to reflect changes in background groundwater quality or municipal water supply quality.
- (ii) The source of the water is a municipal water supply delivered in compliance with Act No. 399 of the Public Acts of 1976, as amended, being ? 325.1001 et seq. of the Michigan Compiled Laws, and known as the safe drinking water act, the water exceeds the standard established in this rule for the substance, and the discharge does not increase the concentration of the substance in the groundwater above the concentration of the municipal water supply. A permit issued under this subdivision may limit a substance in the discharge in order to reflect changes in background groundwater quality or municipal water supply quality.
- (d) If an applicant demonstrates that existing groundwater quality exceeds the standard established in this rule for total inorganic nitrogen, then a permit may be issued by the department that has a higher limit than the standard established in this rule if the limit is not more than the state drinking water standard established under Act No. 399 of the Public Acts of 1976, as amended, being ? 325.1001 et seq. of the Michigan Compiled Laws, and known as the safe drinking water act, the concentration of total inorganic nitrogen in the discharge does not increase the concentration of total inorganic nitrogen in the groundwater, and all other pertinent conditions of this part are met. A permit issued under this rule may include a limit on total inorganic nitrogen in order to reflect improvement in existing groundwater quality.
- (e) A standard that has a limit that is higher than the limit set in subrules (2) and (4) to (7)

of this rule may be established by the department in an individual case if the department determines that the standard set in subrules (2) and (4) to (7) of this rule is not economically or technically feasible, that a prudent alternative does not exist, and that establishing a higher limit is consistent with the promotion of the public health, safety, and welfare in light of the state's paramount concern for the protection of its natural resources. In approving a permit with a limit established under this subdivision, the department may prescribe criteria, limitations, or conditions as the department deems necessary to ensure that the conditions of R 323.2204 are met.

(f) A standard that is more stringent than the standards described in this rule may be established in an individual case if the department determines that readily available and cost-effective treatment technology allows a more stringent standard to be met.

(g) A standard that is more stringent than the standards described in this rule may be established for the protection of other environmental media, where applicable, if consistent with the requirements of all of the following:

(i) R 323.1041 to R 323.1117.

(ii) Protection of soil by preventing the creation of a facility as defined by part 201 or the violation of cleanup criteria established in section 21304(a) of the act, being ? 324.21304(a) of the Michigan Compiled Laws, if applicable.

(iii) R 336.1901, air contaminant and water vapor prohibitions.

(h) If 2 or more substances are present and known to result in toxicological interaction, the interactive effects shall be considered in establishing standards for those substances.