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Authorization to Receive and File Updated 2019 GLWA Industrial Pretreatment Program Rules

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Agenda of: August 28, 2019

Item No.: **2019-312**

Amount: N/A

TO: The Honorable
Board of Directors
Great Lakes Water Authority

FROM: Sue F. McCormick
Chief Executive Officer
Great Lakes Water Authority

DATE: August 22, 2019

RE: **Updated 2019 GLWA Industrial Pretreatment Program Rules**

MOTION

Upon recommendation of Randal M. Brown, General Counsel, The Board of Directors (Board) of the Great Lakes Water Authority (GLWA), **receives and files the Updated GLWA Industrial Pretreatment Program Rules; directs staff to upload the Updated Rules to the GLWA website for public comment until September 25, 2019;** and authorizes the CEO to take such other action as may be necessary to accomplish the intent of this vote.

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"). On July 1, 2019, the Michigan Department of Environment, Great Lakes, and Energy (EGLE) processed and issued GLWA/DWSD's NPDES Permit. The 2019 IPP Rules have been updated to incorporate relevant changes to the NPDES Permit.

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 judgements were entered wherein Detroit was required to develop a Sewer Use Ordinance and an 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 customer 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 for monitoring and inspecting. Thus the IPP and IWC programs and charges were created.

The current IWC regulatory programs included: (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 command/control center. The program complies with requirements of the CWA and associated regulations. 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 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.

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.

JUSTIFICATION

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 operated 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.

BUDGET IMPACT

The proposed action does not impact the budget.

COMMITTEE REVIEW

The Updated IPP Rules have not been reviewed by a committee and are being presented directly to the full GLWA Board of Directors. A Board workshop is scheduled for September 11, 2019 to review the Updated Rules.

SHARE SERVICES IMPACT

This item does no impact the shared services agreement between GLWA and DWSD.