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PREAMBLE

WHEREAS, the GREAT LAKES WATER AUTHORITY (the "GLWA"), a municipal authority and public body corporation organized and existing under and pursuant to the provisions of Act No. 233, Public Acts of Michigan, 1955, as amended ("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;

WHEREAS, the GLWA has been incorporated for the purpose of, among other things, acquiring, owning, leasing, improving, enlarging, extending, financing, refinancing, and operating a sewage disposal system, including stormwater collection and treatment system, or combination of such systems;

WHEREAS, the GLWA promulgates these rules and regulations for the protection of the environment, the public health and safety by abating and preventing pollution through the regulation and control of the quantity and quality of sewage, industrial wastes, and other wastes admitted to or discharged into the sewerage systems, and sewage treatment facilities under the jurisdiction of the GLWA and enabling the GLWA to comply with all applicable state and federal laws required by the Federal Water Pollution Control Act, being 33 U.S.C. 1251, et. seq.; the General Pretreatment Regulations for Existing and New Sources of Pollution (40 CFR 403); and the National Categorical Pretreatment Standards at 40 CFR 405 – 471;

WHEREAS, the GLWA seeks to create a uniform code for the regulation of wastes and wastewaters discharged into the collection system for all participating municipalities; prevent the introduction of pollutants into the wastewater systems which will interfere with the operation of the system; contaminate the resulting sludge; would pose a hazard to the health or welfare and safety of people, their communities and to employees of the GLWA; prevent the introduction of pollutants into the wastewater system which will pass inadequately treated, through the system, into receiving waters, the atmosphere, the environment or otherwise be incompatible with the system; provide for the recovery of the costs from Users of the wastewater collection and treatment system sufficient to administer regulatory activities and meet the costs of the operation, maintenance, improvement or replacement of the system;

WHEREAS, the GLWA promulgates these rules and regulations to establish additional requirements and limitations for classes of wastewater originating from non-domestic sources, and those qualifying under one or more of the promulgated National Pretreatment Standards, establishes systems for authorizing and permitting wastewater discharges and the enforcement of the limitations and requirements stated herein.

NOW, THEREFORE, THE GREAT LAKES WATER AUTHORITY ENACTS THESE RULES AND REGULATIONS AS FOLLOWS IN CHAPTERS I – VIII:

CHAPTER I - DEFINITIONS

There are a number of regulatory phrases and terms which are used in these Rules and Regulations that warrant definition. The terms included in this Chapter apply to all successive chapters and rules that have been or may be developed by the Control Authority. Where applicable, the terms reference the applicable federal regulation. Terms that have not been listed and defined here have their standard and ordinary meaning.

The meaning of the terms used in these Rules and Regulations shall be as follows:

"**Act**", or "**Clean Water Act**" ~~shall mean~~ means the Federal Water Pollution Control Act as amended by the Clean Water Act of 1977 (Pub. L. 95-217), 33 U.S.C. 1251, et seq. It establishes responsibilities of Federal, State, and local government, industry and the public to implement National Pretreatment Standards to control pollutants which pass through or interfere with treatment processes in Publicly Owned Treatment Works ("POTWs") or which may contaminate sewage sludge.

"**Administrator**" ~~shall mean~~means the Administrator of the ~~United States~~ USEPA~~Environmental Protection Agency~~.

~~"Authorized representative of Industrial User" or~~ "**Authorized Representative**" means:

(1) If the Industrial User is a corporation; (a) the president, vice-president, secretary, or treasurer of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation; or (b) the manager of one or more manufacturing, production, or operation facilities employing more than two hundred fifty (250) persons or having gross annual sales or expenditures exceeding twenty-five million dollars ($25,000,000.00) in second-quarter 1980 dollars, if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures; or

(2) If the Industrial User is a partnership or sole proprietorship: a general partner or proprietor respectively; or

(3) if the Industrial User is a Federal, State or local government facility: a director or highest official appointed or designated to oversee the operation and performance of activities of the government facility, or their designee.

The individual described in sub-paragraphs 1 through 3, above, may designate another duly-Authorized Representative if the authorization is in writing; the authorization specifies the individual or position responsible for the overall operation of the facility from which the discharge originates or having overall responsibility for the environmental matters for the company; and the written authorization is submitted to the GLWA.

"**Baseline Monitoring Report**" or "**BMR**" ~~shall mean~~ means the report containing information required by 40 CFR 403.12(b) from any Industrial Users subject to a Categorical Pretreatment Standard.

"**Best Management Practice Plan**" or **"BMP"** means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to implement the prohibitions listed in 40 CFR 403.5(a)(1) and (b). BMPs include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw materials storage.

"**Biochemical Oxygen Demand**" or **"BOD"** means the quantity of dissolved oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure five (5) days at twenty (20) degrees centigrade expressed in terms of mass and concentration (milligrams per liter (mg/l)) as measured by standard methods.

"**Board**" means the Board of the Great Lakes Water Authority.

"**Bypass**" means the intentional diversion of waste streams from any portion of an Industrial User's treatment facility.

"**Categorical Significant Industrial User**" or "CSIU" means ~~an~~ a Significant Industrial User subject to a categorical pretreatment standard or a categorical standard.

"**Categorical Pretreatment Standard"** or **"Categorical Standard**" means any regulation containing pollutant discharge limits promulgated by EPA in accordance with sections 307(b) and (c) of the Act (33 U.S.C. 1317) that apply to a specific category of Industrial Users and that appear in 40 CFR Chapter I, Subchapter N, Parts 405-471.

"**Centralized Waste Treatment Facility**" or **"CWT"** means any facility that treats any hazardous or nonhazardous industrial waste received from off-site by tanker truck, trailer/roll-off bins, drums, barges, or any other forms of shipment including: a facility that treats industrial waste received exclusively from off-site; and a facility that treats industrial waste generated on-site as well as industrial waste received from off-site.

"**Chief Compliance Officer**" means the Chief Compliance Officer for GLWA or his/her designee.

"**Chief Executive Officer**" means the Chief Executive ~~Director~~Officer of the ~~Great Lakes Water Authority, or his~~GLWA, or his or her designee.

"**Code of Federal Regulations**" or "**CFR**" ~~shall mean~~means the codification of the general and permanent rules published in the Federal Register by the executive departments and agencies of the United States Government.

"**Collection System**" ~~shall mean~~ means the sewers, pump stations, force mains, air release valves, vacuum release valves, flow meters, sampling equipment, regulators, and other appurtenant equipment or devices used to convey sewage to the ~~Waste Treatment Plant~~Water Resource and Recovery Facility.

"**Combined Waste stream Formula**" ~~shall mean~~ means the formulae contained in 40 CFR 403.6(e) for calculating alternative concentration limits or alternative mass limits where regulated wastewater is mixed prior to treatment with unregulated and diluting wastewater; and necessary for determining compliance with categorical pretreatment standards.

"**Control Authority**" means the ~~Board of the Great Lakes Water Authority~~ GLWA, upon being officially designated as such by the State of Michigan under the provisions of 40 CFR 403.11, and the persons included in the designation enumerated in Chapter II, Article I.

"**Cooling Water**" means the noncontact water discharged from any use, including but not limited to air conditioning, cooling or refrigeration, and whose only function is the exchange of heat.

"**Daily Maximum**" means the arithmetic average of all effluent samples for a pollutant collected during a 24-hour period used to represent a day.

"**Daily Maximum Limit**" means the maximum allowable discharge limit of a pollutant during a 24-hour period used to represent a day. Where Daily Maximum Limits are expressed in units of mass, the daily discharge is the total mass discharged over the course of the day. Where Daily Maximum Limits are expressed in terms of a concentration, the daily discharge is the arithmetic average measurement of the pollutant concentration derived from all measurements taken that day.

"**Days**" ~~means~~mean consecutive calendar days for the purpose of computing a period of time prescribed or allowed by these Rules.

~~"**Dental Industrial User**", upon promulgation of final national categorical pretreatment standards, shall means a source of wastewater to a publicly owned treatment works from a facility where the practice of Dentistry is performed.~~

"**Direct Discharge**" means the discharge of treated or untreated wastewater directly into the waters of the State of Michigan.

"**Discharger**" means a person who, directly or indirectly, with or without intent, contributes, causes, or permits wastewater to be discharged into the POTW by means of, but not limited to, pipes, conduits, pumping stations, ditches or tank trucks and all constructed devices and appliances appurtenant thereto.

"**Domestic Sewage**" means the liquid and water-carried waste and wastewater typically generated from humans or household operations which is discharged to, or otherwise enters, a treatment works from sanitary activities such as kitchens, bathrooms, lavatories and toilets.

"**Domestic Strength of Sewage**" means the pollutant and pollutant concentrations adopted by the ~~GLWA~~ Board for the purpose of representing waste and wastewater contributions from Domestic Sources for the Surcharge Program for High Strength Wastewater.

"**Domestic Source**" ~~shall mean~~means residential dwellings including single family and multifamily (regardless of size) from which only domestic sewage is discharged.

"**Environmental Remediation Wastewater**" means wastewater in the form of leachate or wastewaters from clean-up actions pursuant to ~~CERCLA~~Comprehensive Environmental Response, Compensation, and Liability Act, or sites of leaking underground storage tanks which are discharged to and commingled with sewage and conveyed to the GLWA sewerage system.

~~"**Existing source**" shall mean any point source (i) whose operations commenced prior to the date~~

~~of proposal by the USEPA of any applicable categorical pretreatment standard in the Federal Register, or who (ii) discharges wastewater to the POTW as of the effective date of these Rules.~~

"**Existing Source**" means any facility that is not a "New Source."

"**Fats, Oils and Greases or "FOG"** ~~means~~ mean organic polar and non-polar compounds. Polar compounds are derived from animal and/or plant sources that contain multiple carbon chain triglyceride molecules. Organic non-polar fraction of oil and grease (petroleum hydrocarbons) is identified as Silica gel treated n-hexane extractable materials (SGT-HEM) in the pretreatment standards.

~~"**Great Lakes Water Authority**" or GLWA means the Board of the Great Lakes Water Authority or Chief Executive Officer of the Great Lakes Water Authority.~~

~~"**Great Lakes Water Authority (GLWA) Member Community**" means any county, township, city or village that signed or becomes a signatory to the articles of incorporation of the Great Lakes Water Authority.~~

"**Hazardous Waste**" means any industrial waste, production residue, sewage or sludge which is classified as a hazardous waste pursuant to 40 CFR 261.

"**High Strength Wastewater**" includes any wastewater discharged from an ~~Industrial~~ User in excess of the Domestic Strength of Sewage ~~adopted by the GLWA Board~~maximum level, and for which a Pollutant Surcharge has been developed and adopted.

"Michigan Department of ~~**Environmental Quality**~~Environment, Great Lakes, and Energy" or ~~MDEQ~~ "EGLE" means the Agency of the State of Michigan responsible for Environmental Protection and designated by US EPA as the Approval Authority.

"**Indirect discharge**" ~~or discharge~~ means the discharge or the introduction of pollutants into the POTW from any non-domestic source regulated under 33 U.S.C. § 1317(b), (c) or (d).

"**Industrial User**" or "**IU**" means a ~~person who conducts any industrial, manufacturing, agricultural, trade or business process or who conducts the development, recovery or processing of natural resources; and~~User who is a source of indirect discharge.

"**Industrial Waste**" means the liquid and water-carried wastes and all solid, liquid or gaseous waste components thereof, resulting from any commercial, industrial, manufacturing, agricultural, trade or business operation or process or from the development, recovery or processing of natural resources, but does not include Domestic sewage.

"Industrial Waste Control Group" or **"IWC"** means the organizational group responsible for administration, implementation and enforcement of the Industrial Pretreatment Program, Surcharge r Program, Hauled Waste Program and similar regulatory programs on behalf of the ~~GLWA~~ Control Authority.

"**Industrial Waste Control Operations Manager**" means the Operations Manager of Industrial Waste of

the ~~Great Lakes Water~~ Control Authority, and authorized staff of the Industrial Waste Control ~~Division~~Group.

"**Infiltration**" means water entering a sewer system, including sewer service connections from the ground through such means as, but not limited to, defective pipes, porous pipes, pipe joints, connections or manhole walls. Infiltration does not include, and is distinguished from, inflow.

"**Inflow**" means water discharged into a sewer system, including service connections, from such sources as, but not limited to, roof leaders, cellars, yards, and area drains, foundation drains, cooling water discharges, drains from springs and swampy areas, manhole covers, cross connections from storm sewers and combined sewers, catch-basins, stormwater, surface run-off, street wash-waters, or drainage and river inflow. Inflow does not include, and is distinguished from, infiltration.

"**Instantaneous Limit**" means the maximum concentration of a pollutant allowed to be discharged at any time, determined from the analysis of any discrete or composited sample collected, independent of the industrial flow rate and the duration of the sampling event.

"**Interference**" means a discharge which, alone or in conjunction with a discharge or discharges from other sources, both: (i) inhibits or disrupts the POTW, its treatment processes or operations, or its sludge processes, use or disposal; and (ii) therefore is a cause of a violation of any requirement of the POTW's NPDES permit (including an increase in the magnitude or duration of a violation) or of the prevention of sewage sludge use or disposal in compliance with the following statutory provisions and regulations or permits issued thereunder (or more stringent state or local regulations): Section 405 of the ~~Clean Water~~ Act, the Solid Waste Disposal Act ("SWDA") (including Title II, more commonly referred to as the Resource Conservation and Recovery Act ("RCRA"), and including state regulations contained in any state sludge management plan prepared pursuant to Subtitle D of the SWDA, the Clean Air Act, the Toxic Substances Control Act, and the Marine Protection, Research and Sanctuaries Act.

"**Member Community**" means any county, township, city or village receiving wastewater services from the GLWA.

"**Minor User**" a User who does not meet the definition of a Significant Industrial User but is authorized to discharge to the POTW.

"**Monthly Average**" means the sum of all "daily discharges" measured during a calendar month divided by the number of "daily discharges" measured during that month.

~~"**May**" means permissive.~~

~~"**Minor User**" means any Industrial User who does not meet the definition of a Significant Industrial User, or qualify for a Wastewater Discharge Permit under the Industrial Pretreatment Program.~~

"**National Pretreatment Standard**", "**Pretreatment Standard**" or "**Standard**" means any regulation containing pollutant discharge limits promulgated by the ~~EPA~~USEPA in accordance with Section 307 (b)

and (c) of the Act, which applies to Industrial Users. This term includes prohibitive discharge limits established pursuant to 40 CFR 403.5.

"**National Pollutant Discharge Elimination System**" or "**NPDES**" means the permit and regulation system governing direct discharges into navigable waters administered by the EGLE and USEPA.

"**New Source**" means any building, structure, facility or installation from which there is or may be the discharge of pollutants, the construction of which is commenced after the publication of proposed regulations prescribing a standard of performance under Section 307(c) of the Act which will be applicable to such source if such standard is thereafter promulgated in accordance with section 307(c) of the Act.

"**Non-detect**" means the achievable laboratory testing quantification level for ascertaining the amount of a pollutant in a waste stream using analytical methods specified in or approved under 40 CFR 136, or pursuant to rules adopted by the ~~MDEQ~~EGLE or the ~~EPA~~USEPA.

~~"**Non-significant Categorical Industrial User**" means an Industrial User who never discharges more than 100 gallons per day (gpd) of total categorical wastewater (excluding sanitary, non-contact cooling and boiler blowdown wastewater, unless specifically included in the Pretreatment Standard) and the Control Authority determines that: (i) The Industrial User, prior to the Control Authority's finding, has consistently complied with all applicable categorical Pretreatment Standards and Requirements; and (ii) The Industrial User annually submits the certification statement required in § 403.12(q) together with any additional information necessary to support the certification statement; and (iii) The Industrial User never discharges any untreated concentrated wastewater.~~

"**North American Industrial Classification System**" **or** "**NAICS**" means a standard used by Federal statistical agencies to classify business establishments for the purpose of collecting, analyzing, and publishing statistical data related to the ~~U.S.~~ United States business economy, as developed by the Office of Management and Budget (OMB), and adopted in 1997 to replace the Standard Industrial Classification (SIC) system.

"**Rules and Regulations**" ~~means~~mean the Sewage and Waste Control Rules and Regulations of the ~~GLWA~~Control Authority and any rules, regulations and orders adopted by the Board pertaining thereto.

"**Pass-through**" means a discharge which exits the POTW into waters of the United States in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the POTW's NPDES permit (including an increase in the magnitude or duration of a violation).

"**Person**" means any individual, partnership, co-partnership, firm, company, corporation, association, joint venture, joint stock company, sole proprietorship, trust, estate, co-partnership, unit of government, school authority, or private corporation organized or existing under the laws of the State of Michigan or any other state or country.

"**PFAS Compounds**" mean the list of perfluoroalkyl and polyfluoroalkyl substances that the ~~MDEQ~~ EGLE has identified as emerging contaminants; which includes: Perfluorotetradecanoic acid (PFTeA), Perfluorotridecanoic acid (PFTriA), Perfluorododecanoic acid (PFDoA), Perfluoroundecanoic acid (PFUnA), Perfluorodecanoic acid (PFDA), Perfluorononanoic acid (PFNA), Perfluorooctanoic acid (PFOA), Perfluoroheptanoic acid (PFHpA), Perfluorohexanoic acid (PFHxA), Perfluoropentanoic acid (PFPeA), Perfluorobutanoic acid (PFBA), Perfluorodecanesulfonic acid (PFDS), Perfluorononanesulfonic acid (PFNS), Perfluorooctanesulfonic acid (PFOS), Perfluoroheptanesulfonic acid (PFHpS), Perfluorohexanesulfonic acid (PFHxS), Perfluoropentanesulfonic acid (PFPeS), Perfluorobutanesulfonic acid (PFBS), Perfluorooctanesulfonamide (PFOSA), Fluorotelomer sulphonic acid 8:2 (FtS 8:2), Fluorotelomer sulphonic acid 6:2 (FtS 6:2), Fluorotelomer sulphonic acid 4:2 (FtS 4:2), 2-(N-Ethylperfluorooctanesulfonamido) acetic acid (N-EtFOSAA), 2-(NMethylperfluorooctanesulfonamido) acetic acid (N-MeFOSAA); or as amended.

"**pH**" means the intensity of the acid or base condition of a solution, calculated by taking the negative base-ten logarithm of the hydrogen ion activity. Activity is deemed to be equal to concentration in moles per liter.

"**Pollution**" means the man-made or man induced alteration of the chemical, physical, biological and radiological integrity of water.

"**Pollutant Strength Level**" means the concentrations of BOD, TSS, Phosphorus and FOG determined to be present in the wastewater discharged from ~~an Industriala~~ User~~,~~ and used to calculate the Surcharge for the High Strength Wastewater contributed by the ~~Industrial~~ User.

"**Phosphorus**" means the total concentration of all forms of organic and inorganic phosphorus compounds as measured by standard methods, expressed in mg/l.

"**Pretreatment**" means the reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater prior to, or in lieu of, introducing such pollutants into a POTW. This reduction or alteration can be obtained by physical, chemical or biological processes; by process changes; or by other means, except by diluting the concentration of pollutants unless allowed by an applicable Pretreatment Standard.

"**Pretreatment Requirements**" means any substantive or procedural requirement related to pretreatment, other than a National Pretreatment Standard, imposed on an Industrial User.

"**Process Wastewater**" means any water which, during manufacturing or processing, comes into direct contact with or results from the production or use of any raw material, intermediate product, finished product, by-product or waste product.

"**Publicly Owned Treatment Works" or "POTW**" means a treatment works as defined by 33 U.S.C. 1292(2)(A) which is owned by a state or municipality, as defined in 33 U.S.C. 1362, including: Any devices and systems used in the storage, treatment, recycling, or reclamation of municipal sewage or industrial wastes of a liquid nature; or sewers, pipes and other conveyances only if they convey wastewater to a

POTW treatment plant; or the municipality, as defined in 33 U.S.C. 1362, which has jurisdiction over the Indirect Discharges to and the discharges from such a treatment works. For these Rules and Regulations, POTWs include the Control Authority's wastewater facilities.

"**Regulatory Activities**" ~~include~~ mean all programs and activities conducted by the Industrial Waste Control Group to meet its obligations under the NPDES Permit MI 0022802 and the Clean Water Act, and any rules adopted by the ~~Great Lakes Water Authority~~ Board, including, but not limited to, an Industrial Pretreatment Program; Surcharge Program; Hauled Waste Program, Groundwater and Special Discharge Program.

"**Septage~~,~~" or "Septage Waste**" means Domestic Sewage generated by sources without a direct connection to the sewerage system, including untreated and partially treated sewage solids, liquids, and sludge of human or domestic origin that is removed from a wastewater system for disposal through truck or other hauling.

"**Sewerage System**" means sewers, intercepting sewers, pipes or conduits, pumping stations, force mains, constructed drainage ditches, surface water intercepting ditches, and all other constructions, devices and appliances appurtenant thereto used for collecting or conducting sewage, industrial waste or other wastes to a point of treatment or ultimate disposal.

"**Significant Noncompliance**" means any Significant Industrial User who violates one (1) or more of the criteria of 40 CFR 403.8(f)(2)(viii)(a)-(h); or any Industrial User who violates one (1) or more of the criteria of 40 CFR 403.8(f)(2)(viii)(c), (d) or (h). (See Article XIII).

"Significant Industrial User" or "SIU" means any User who discharges to the POTW and which:

(1) Has an average discharge flow of twenty-five thousand (25,000) gallons per day or more of process wastewater excluding sanitary, boiler blowdown, and noncontact cooling water; or

(2) Has discharges subject to the national categorical pretreatment standards; or

(3) Requires pretreatment to comply with the specific pollutant limitations of these Rules; or

(4) Has in its discharge, toxic pollutants as defined pursuant to 33 U.S.C. 1317, or other applicable federal and state laws or regulations, that are in concentrations and volumes which are subject to regulation under these Rules as determined by the Control Authority; or

(5) Is required to obtain a permit for the treatment, storage or disposal of hazardous waste pursuant to regulations adopted by this state or adopted under the Federal Solid Waste Disposal Act, as amended by the Federal Resource Conservation and Recovery Act, as amended, and may or does contribute or allow waste or wastewater into the POTW including, but not limited to, leachate or runoff; or

(6) Is found by the ~~GLWA~~Control Authority to have a reasonable potential for adverse effect, either singly or in combination with other contributing industries, on the POTW operation, the quality of sludge, the POTW's effluent quality, or air emission generated by the POTW.

"**Sludge**" means liquid and precipitated or suspended solid material therein contained, generated from the treatment of water, sewage, industrial waste or other wastes.

"**Slug Discharge**" means any discharge of a non-routine, episodic nature, including, but not limited to, an accidental spill or non-customary batch Discharge, which has a reasonable potential to cause interference, pass-through, or in any other way to cause a violation of the ~~GLWA's~~ Rules and Regulations, local limits or Permit conditions.

"**Standard Industrial Classification** or **"SIC**" means a classification pursuant to the Standard Industrial Classification Manual issued by the Executive Office of the President, Office of Management and Budget, 1987, as amended.

"**Standard Methods**" means the *Standard Methods for the Examination of Water and Wastewater,* published by the American Public Health Association, and the version(s) approved for use by 40 CFR 136.

"**Storm Water**" means any waste or wastewater occurring during or following any form of natural precipitation and resulting therefrom.

"**Surcharge or Pollutant Surcharge**" means a fee representing the cost of service determined by the ~~GLWA~~ Control Authority for each pollutant comprising Domestic Sewage, expressed in Dollars per pound ($/lb.).

"**Total Suspended Solids ~~(total)~~" or "TSS"** means the total suspended matter which floats on the surface of, or is suspended in, water, wastewater or other liquids, and is removable by laboratory filtration or as measured by standard methods.

"**Total Phenolic Compounds**" means the sum of the individual analytical results for each of the following phenolic compounds during any single sampling event: 2-Chorophenol, 4-Chlorophenol, 4-Chloro-3-methylphenol, 2,4-Dichlorophenol, 2,4-Dinitrophenol, ~~3-Methylphenol (o-cresol) and~~ 4-Methylphenol (p-cresol~~).~~), and phenol.

"**Total ~~PCB" (or Total~~ Poly-Chlorinated Biphenyls~~)~~" or "Total PCB"** means the sum of the individual analytical results for each of the following PCB aroclors 1016, 1221, 1232, 1242, 1248, 1254, and 1260 during any single sampling event with any aroclor result less than the quantification level, or non-detect, being numerically treated as zero.

"**Toxic Pollutant**" means any pollutant or combination of pollutants designated as toxic in regulations promulgated by the Administrator of the ~~U.S. Environmental Protection Agency~~USEPA under the provisions of the Clean Water Act, being 33 U.S.C. ~~§~~ 1317, or included in the Critical Materials Register promulgated by the ~~MDEQ~~ EGLE, or by other federal or state laws, rules or regulations.

"**Upset**" means an exceptional incident in which there is unintentional and temporary noncompliance with limits imposed under these Rules or with national categorical pretreatment standards due to factors beyond the reasonable control of the Industrial User but does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of

preventative maintenance, or careless or improper operation.

~~"**Users**" means Industrial Users and Minor Users.~~

"**Users**" or "**Nondomestic User**" or "**Industrial User**" means an industry, commercial establishment, or other entity that discharges wastewater to a publicly owned treatment works other than, or in addition to, sanitary sewage; and is a source of indirect discharge.

"**United States Environmental Protection Agency**" or "**USEPA**" means the Environmental Protection Agency of the United States Government and its designated agents.

"**Wastewater Treatment Facilities**" ~~means~~mean any method, construction, device, arrangement or appliance appurtenant thereto, installed for the purpose of treating, neutralizing, stabilizing, disinfecting, or disposing of sewage, industrial wastes or other wastes, or for the recovery of by-products from such sewage, industrial waste or other wastes and includes sewers, pipes and other conveyances if they convey wastewater to a POTW.

"**Waters**" ~~means~~mean all accumulations of water, surface and underground, natural or artificial, public or private or parts ~~thereof, which are wholly or partially under the jurisdiction of the GLWA or~~ thereof which flow through the territory of the GLWA.

"**Wastewater**" or "**Sewage**" means the liquid and water-carried wastes of dwellings, commercial buildings, industrial facilities, and institutions, whether treated or untreated, which are contributed to or permitted to enter the POTW including Infiltration and Inflow water, Storm Water and Cooling Water.

"Wastewater Discharge Permits" mean a control mechanism issued by the Control Authority in accordance with these Rules specifying the Pretreatment Standards and Requirements, pollutant discharge limitations, reporting and monitoring requirements, and other conditions under which an Industrial User may discharge to the sewerage system.

"**Wholesale Sewer Contract Customer**" means any county, township, city or village that has contracted for sewerage services with the ~~Great Lakes Water Authority~~GLWA.

For purposes of these Rules, the following acronyms shall have the meanings designated by this section:

Term	Full Term Description	Term	Full Term Description
~~ALJ~~	~~Administrative Law Judge~~	~~MDEQ~~EGLE	Michigan Department of ~~Environmental Quality~~Environment, Great Lakes, and Energy
BMP	Best Management Practice Plan		
BMR	Baseline monitoring report	mg/l	milligrams per liter
BOD	Biochemical Oxygen Demand	NPDES	National Pollutant Discharge

			Elimination System
~~CIU~~CSIU	Categorical Significant Industrial User		
CFR	Code of Federal Regulations	POTW	Publicly Owned Treatment Works
~~EPA~~	~~Environmental Protection Agency~~	RCRA	Resource Conservation and Recovery Act, being 42 U.S.C. § 6901 et seq.)
FOG	Fats, Oils and Grease	SDP	Special Discharge Permit
GLWA	Great Lakes Water Authority	SIU	Significant Industrial User
HIW	Hauled-in Waste	SNC	Significant Noncompliance
IWC	Industrial Waste Control	SWDA	Solid Waste Disposal Act, being 42 U.S.C. § 6901 et seq.
IU	Industrial User	TSS	Total Suspended Solids
USEPA	Environmental Protection Agency	ug/l	Micrograms per liter

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CHAPTER II – RULES GOVERNING IMPLEMENTATION, ADMINISTRATION AND ENFORCEMENT OF INDUSTRIAL PRETREATMENT PROGRAM REQUIREMENTS

The ~~GLWA~~Board has adopted an Industrial Pretreatment Program and received approval from the State of Michigan ~~as~~for GLWA to be a Control Authority to implement, administer and enforce the program within the GLWA Service Area. The following rules have been adopted to describe a uniform means of carrying out the duties and obligations placed upon the GLWA as ~~a~~the Control Authority.

Article I CONTROL AUTHORITY RESPONSIBILITIES

The Board ~~of the GLWA~~ assigns and authorizes the ~~Industrial Waste Control Operations Manager~~ Chief Executive Officer as the person responsible for carrying out the administration, duties, and enforcement responsibilities as the Control Authority, consistent with the intent of these rules.

Article II GENERAL SEWER USE REQUIREMENTS

Section II-201. Unlawful Discharges

It shall be unlawful for any Person to discharge ~~commercial waste and~~ Industrial Waste or Wastewater from non-Domestic Sources, directly or indirectly, into the Sewerage System, without authorization from the ~~GLWA~~Control Authority; or to discharge any Wastewater in violation of the terms and conditions contained in these rules or contrary to any discharge authorization granted by the ~~GLWA~~Control Authority.

Section II-202. Lawful Discharges

It is the duty of every Person seeking to lawfully discharge Sewage, Industrial Wastes, or other wastes or Wastewater of any kind directly or indirectly, into the Sewerage System to conform to the criteria or effluent quality standards established and/or adopted hereunder, and to seek authorization from the ~~GLWA~~Control Authority in accordance with these rules; to comply with these rules, as amended from time to time; and to provide notice to the ~~GLWA~~Control Authority of any substantial changes in the volume, quality, or character of their discharge.

a) Users and Minor Users who were previously authorized, whether by permit or a letter of authorization, by the Detroit Water and Sewerage Department in its ~~role~~prior capacity as the Control Authority, and have and are complying with such authorization, shall be deemed authorized by the GLWA, as the new Control Authority, until (i) a subsequent survey application, permit application or Baseline Monitoring report is filed with or requested by~~,~~ the GLWA; ~~and~~or (ii) a subsequent permit or a letter of authorization is issued by GLWA.

Section II-203. General Pollutant Prohibitions

No User shall discharge or cause to be discharged into the POTW, directly or indirectly, any pollutant or

Wastewater which will cause Interference or Pass-through. These general discharge prohibitions shall apply to all Users of the POTW whether or not the User is subject to national categorical pretreatment standards or to any other federal, state, or local pretreatment standards or requirements. In addition, it shall be unlawful for any User to discharge into the POTW:

a) Any liquid, solid or gas, which by reason of its nature or quantity, is sufficient either alone or by interaction with other substances to create a fire or explosion hazard or to be injurious in any other way to persons, to the POTW, or to the operations of the POTW. Pollutants, which create a fire or explosion hazard in a POTW, include, but are not limited to, waste streams with a closed cup flash point of less than 140°F or 60°C using the test methods specified in 40 CFR 261.21; or

b) Any solid or viscous substance in concentrations or quantities, which are sufficient to cause obstruction to the flow in a sewer or other encumbrances to the operation of the POTW, including, but not limited to, grease, animal guts or tissues, bones, hair, hides or fleshing, entrails, whole blood, feathers, ashes, cinders, sand, cement, spent lime, stone or marble dust, metal, glass, straw, shavings, grass clippings, rags, strings, fibers, spent grains, spent hops, wastepaper, wood, plastics, tar, asphalt residues, residues from refining or processing of fuel or lubricating oil, mud or glass grinding or polishing wastes, or tumbling and deburring stones; or

c) Any Wastewater having a pH of less than 5.0 units or greater than 11.5 units; or

d) Any Wastewater containing petroleum oil, non-biodegradable cutting oil, products of mineral oil origin, or toxic pollutants in sufficient concentration or quantity either singly or by interaction with other pollutants to cause Interference, or Pass through, or constitute a hazard to humans or animals; or

e) Any liquid, gas, solid or form of energy, which either singly or by interaction with other waste is sufficient to create toxic gas, vapor, or fumes within the POTW in quantities that may cause acute worker health and safety problems, or may cause a public nuisance or hazard to life, or are sufficient to prevent entry into the sewers for their maintenance and repair; or

f) Any noxious or malodorous liquids, gases, solids, or other Wastewater which, either singly or by interaction with other wastes, are sufficient to create a public nuisance or a hazard to life, or to prevent entry into the sewers for maintenance or repair; or

g) Any substance which is sufficient to cause the POTW's effluent or any other product of the POTW, such as residue, sludge, or scum to be unsuitable for reclamation processing where the POTW is pursuing a reuse and reclamation program. In no case shall a substance discharged into the POTW cause the POTW to be in noncompliance with sludge use or disposal criteria guidelines or regulations developed under 33 U.S.C. 1345, with any criteria, guidelines, or developed and promulgated regulations affecting sludge use or disposal developed pursuant to the Solid Waste Disposal Act, the Federal Clean Air Act, the Federal Toxic Substances Control Act, or with state criteria applicable to the sludge management method being used; or

h) Any trucked or hauled pollutants, except at discharge points designated by the POTW and authorized by the Control Authority (see Chapter IV); or

i) Any substance which will cause the POTW to violate the ~~National Pollutant Discharge Elimination System~~NPDES permit; or

j) Any discharge having a color uncharacteristic of the wastewater being discharged; or

k) Any wastewater having a temperature which will inhibit biological activity in the POTW treatment plant resulting in interference, but in no case wastewater with a temperature at the introduction into a public sewer which exceeds 150°F or which will cause the influent at the wastewater treatment ~~plant~~facility to rise above 104°F (40°C); or

l) Any pollutant discharge which constitutes a Slug; or

m) Any wastewater containing any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established in compliance with applicable federal or state regulations; or

n) Any floating ~~fats, oil or grease~~FOG which are sufficient to create an obstruction in the collection system, cause interference with the collection system or pass through the POTW; or

o) Any solid materials having a specific gravity greater than 1.2 or a cross section dimension of one-half (½) inch or greater which are sufficient to cause interference with the POTW; or

p) Wastewater causing a reading on an explosion hazard meter at the point of discharge into the POTW, or at any point in the POTW, of more than 20 percent (20%) of the Lower Explosive Limit of the meter; or

q) Any pollutant, including oxygen demanding pollutants (BOD, etc.) released in a Discharge at a flow rate and/or pollutant concentration which will cause interference with the POTW.

Section II-204. Specific Pollutant Discharge Limitations

a) National Categorical Pretreatment Standards. All Industrial Users shall comply with the applicable National Categorical Pretreatment Standards and requirements promulgated pursuant to the Act as set forth in 40 CFR Subchapter N, Effluent Guidelines and Standards, which are hereby incorporated by reference and with all other applicable standards and requirements. Affected dischargers shall comply with applicable reporting requirements under 40 CFR Part 403 and as established by the Control Authority. The National Categorical Pretreatment Standards that have been promulgated as of the effective date of this section are delineated in Appendix A.

b) Local Pollutant Discharge Limitations. The ~~GLWA~~Control Authority has developed specific Local Pollutant Discharge Limitations to protect the sewage disposal system from (pollutant) Interference, Inhibition or Pass-through, and worker health & safety in accordance with 40 CFR 403.5(c); which are to be deemed as Pretreatment Standards pursuant to Section 307(d) of the Act. The following specific Local Pollutant Discharge Limitations are adopted, and shall be enforced by the Control Authority:

1) Compatible Pollutants:

Pollutant Name & Symbol	Daily Maximum Limitation (mg/l)
Biochemical Oxygen Demand (BOD)	10,000
Total Suspended Solids (TSS)	10,000
Fats, Oils, and Grease (FOG)	1,500
Total Phosphorus (P)	150

2) Metals

Pollutant Name & Symbol	Daily Maximum Limitation (mg/l)
Arsenic (As)	1.0
Cadmium (Cd)	3.0
Chromium (Cr)	25.0
Copper (Cu)	~~7~~3.0
Cyanide, ~~Total (CNT~~Amenable (CNA)	~~4.0~~1.5
Lead (Pb)	1.0
Mercury (Hg)	0.01
Nickel (Ni)	5.0
Silver (Ag)	1.0
Zinc (Zn)	12.0

3) Organic Pollutants

Pollutant Name & Symbol	Daily Maximum Limitation (mg/l)
PCB, Total	Non-detect

4) Phenolic Compounds

i) The limitation for Total Phenolic Compounds shall be 1 mg/l using the 4AAP method.

ii) A Significant Industrial User may elect, in lieu of the limit for Total Phenolic Compounds specified in sub-paragraph i above, to substitute the specific limitations for the individual eight (8) phenolic compounds identified in the following table:

Pollutant Name & Symbol	Daily Maximum Limitation (mg/l)
2-Chlorophenol	8.0
4-Chlorophenol	8.0
4-Chloro-3-methylphenol	~~10~~3.0
2,4-Dichlorophenol	~~15~~6.0
2,4-Dinitrophenol	30
~~3-Methylphenol and/or~~ 4-Methylphenol	40.0

Phenol	86

Upon written election, the wastewater discharge permit shall be modified to incorporate these substituted parameters and a Significant Industrial User shall be responsible for monitoring and reporting compliance with these parameters.

c) Non-Detectable Limitations. For any pollutant parameter which has a Local Pollutant Discharge Limitation of ~~"~~Non-detect~~",~~ a User will be in violation of the limitation when the measurement result exceeds by any magnitude the method detection level of the pollutant, using analytical methods authorized under 40 CFR 136, unless a higher level is appropriate because of demonstrated sample interference.

1) Total PCB shall not be discharged at detectable levels, based upon ~~US EPA~~USEPA Method 608, and the quantification level shall not exceed 0.2 ugms/l, unless a higher level is appropriate because of demonstrated sample interference.

~~An Industrial~~Any User may develop and implement a Best Management Practice Plan in accordance with Section II-1006 to demonstrate compliance with a Non-detect local pollutant discharge limitation

d) Applicability of most stringent limitation. Where a National Categorical Pretreatment Standard includes a pollutant parameter that also has a Local Pollutant Discharge Limitation, the ~~GLWA~~Control Authority shall apply the most stringent Daily Maximum limitation for that pollutant parameter in a permit issued to the discharger. Where a 4-day, monthly or 30-day limitation contained in a National Categorical Pretreatment Standard is greater than the Local Pollutant Discharge Limitation Daily Maximum limitation, the ~~GLWA~~Control Authority shall apply the more stringent value as the applicable average.

e) Development of Pollutant Discharge Limitations. The ~~GLWA~~Control Authority may periodically review and re-evaluate new or existing wastewater pollutant discharge limitations in accordance with 40 CFR 403.5(c). The ~~GLWA~~Control Authority reserves the right to establish additional or more stringent limitations or requirements on discharges to the POTW~~; which shall be adopted by the Board in accordance with Act 233~~.

f) Development of Pollutant Concentration and Mass limits. When limits in a categorical pretreatment standard are expressed only in terms of mass of pollutants per unit of production, the Control Authority may convert the limits to equivalent limitations expressed either as mass of pollutant discharged per day or effluent concentration for purposes of calculating effluent limitations applicable to individual Significant Industrial Users. Equivalent limitations shall be calculated in accordance with Sections 40 CFR 403.6(c)(3) and/or 40 CFR 6(c)(4) and shall be deemed pretreatment standards for the purposes of 33 USC 1317(d) and of these rules. Significant Industrial Users will be required to comply with the equivalent limitations in lieu of the promulgated categorical standards from which the equivalent

limitations were derived.

Section II-205. Net/Gross Determinations

An Industrial User, subject to a Categorical Pretreatment Standard may obtain a net/gross adjustment to a Categorical Pretreatment Standard in accordance with the following paragraphs of this Section.

a) Categorical Pretreatment Standards may be adjusted to reflect the presence of pollutants in the Industrial User's intake water. Any Industrial User wishing to obtain credit for intake pollutants must make application to the Control Authority. Upon request of the Industrial User, the applicable Standard will be calculated on a "net" basis (i.e., adjusted to reflect credit for pollutants in the intake water) if the requirements of paragraph (2) of this Section are met.

b) Criteria.

1) Either (i) the applicable Categorical Pretreatment Standards contained in 40 CFR subchapter N specifically provide that they shall be applied on a net basis; or (ii) the Industrial User demonstrates that the control system it proposes or uses to meet applicable categorical Pretreatment Standards would, if properly installed and operated, meet the Standards in the absence of pollutants in the intake waters.

2) Credit for generic pollutants such as biochemical oxygen demand (BOD), Total Suspended Solids (TSS), and fats, oil and grease should not be granted unless the Industrial User demonstrates that the constituents of the generic measure in the Industrial User's effluent are substantially similar to the constituents of the generic measure in the intake water or unless appropriate additional limits are placed on process water pollutants either at the outfall or elsewhere.

3) Credit shall be granted only to the extent necessary to meet the applicable Categorical Pretreatment Standard(s), up to a maximum value equal to the influent value. Additional monitoring may be necessary to determine eligibility for credits and compliance with Standard(s) adjusted under this Section.

4) Credit shall be granted only if the Industrial User demonstrates that the intake water is drawn from the same body of water as that into which the POTW discharges. The Control Authority may waive this requirement if it finds that no environmental degradation will result.

Section II-206. Prohibition of Dilution

Except where expressly authorized to do so by an applicable Pretreatment Standard or Requirement, ~~a~~an Industrial User cannot increase the use of process water, or in any other way attempt to dilute prior to discharge as a partial or complete substitute for adequate pretreatment to achieve compliance with a discharge limitation unless expressly authorized by an applicable Pretreatment Standard or requirement. The Control Authority may impose mass limitations on Industrial Users who are using dilution to meet applicable Pretreatment Standards or Requirements, or in other cases when the imposition of mass limitations is appropriate.

Article III PRETREATMENT OF WASTEWATER

Section II-301. Pretreatment Facilities

a) Industrial Users shall provide Wastewater Treatment Facilities, as necessary, to comply with these rules and shall achieve compliance with all Categorical Pretreatment Standards, Local Pollutant Discharge Limitations, and other requirements of these rules within the time limitations specified by EPA, the State, or these rules. Any Wastewater Treatment Facilities necessary for compliance shall be provided, operated, and maintained at the Industrial User's expense. Detailed plans describing such Wastewater Treatment Facilities and operating procedures shall be submitted to the Control Authority for review, before such Wastewater Treatment Facilities are constructed. The Industrial User shall obtain any plan approvals required from any ~~GLWA~~ member community or Wholesale Sewer Contract Customer prior to submitting them to the Control Authority for review. The review of such plans and operating procedures shall in no way relieve the Industrial User from the responsibility of modifying such ~~facilities~~Wastewater Treatment Facilities, as necessary, to produce a discharge that will meet any Wastewater discharge permit, or necessary to comply with these rules.

b) Additional Pretreatment Measures - Whenever deemed necessary, the Control Authority may require Industrial Users through written notice, to restrict their discharge during peak flow periods, designate that certain Wastewater be discharged only into specific sewers, relocate and/or consolidate points of discharge, separate sewage waste streams from industrial waste streams, and such other conditions as may be necessary to protect the POTW and/or to determine the Industrial User's compliance with the requirements of these Rules and Regulations. This written notice shall state the reasons for the restriction and be incorporated into an individual Wastewater discharge permit, or equivalent control mechanism.

c) ~~The Chief Executive Officer, upon recommendation from~~As part of the Collection System and Combined Sewer Overflow Plans required by NPDES Permit MI0022802, the Control Authority~~,~~ may require any Person discharging into the POTW to install and maintain, on their property and at their expense, a suitable storage and flow-control facility to ensure equalization of flow. Before such action is taken, a written notice stating the reasons for the requirements shall be given to the User and incorporated into an individual Wastewater discharge permit or equivalent control mechanism. An individual Wastewater discharge permit, or equivalent control mechanism, may be issued solely for flow equalization.

Section II-302. Pretreatment Protection Requirements

a) Protection from Flammable and Combustible Substances - All Users who discharge wastewater containing a flammable and combustible substance shall install, operate and maintain a combustible gas monitoring system acceptable to the Control Authority which provides a method of early detection and recording of any discharge of a flammable or combustible substance so that preventive measures

can be taken to avoid loss of life, damage to the Sewerage System, and/or damage to public and/or private property.

1) Flammable and combustible substances include, but are not limited to, gasoline, benzene, naptha, solvents, fuel oil; or any other liquid, solid, or gas that would cause or tend to cause flammable or explosive conditions to result in the Sewerage System.

2) Applicability: Petroleum refineries, gasoline storage and transfer facilities, and chemical manufacturing plants having a discharge of 25,000 gallons or more per day of process Wastewater per day shall be required to submit a plan and schedule to install and implement a combustible gas monitoring system, within ninety (90) days, and complete implementation of the plan and schedule within 6 months of these rules adoption or upon commencement of discharge,

3) The Control Authority may issue written notice to any User requiring the installation of a combustible gas monitoring system upon a finding of 15% or greater of the Lower Explosive Level (LEL) from the User's discharge to the POTW.

4) Specific requirements for a combustible gas monitoring system shall be included by the Control Authority in a Significant Industrial User's Wastewater discharge permit, and include the following basic requirements:

i. The system shall be continuous and fixed (permanent rather than portable) and shall be installed near the company's approved monitoring location (where applicable).

ii. The system shall have an indicator as well as an automatic continuous recorder capable of maintaining a permanent record of readings (i.e., chart recorder).

iii. The system shall be equipped with a two-stage alarm system that is adjustable. The upper alarm level must be set at 20% LEL (Lower Explosive Limit).

iv. The system shall be calibrated for methane detection.

v. The control unit for the combustible gas detection meter should be located where the alarm will be heard and acted upon promptly (i.e., control room)

b) pH Monitoring Plan and Monitoring Requirement. All Significant Industrial Users, as specified below, who process acidic and/or caustic wastes and Wastewaters; or whose pH is adjusted on-site, whether done for operational or treatment purposes; shall (i) develop an approvable pH Monitoring plan, and (ii) install appropriate pH monitoring and recording devices.

1) pH Monitoring Plan – In accordance with sub-paragraph 2) below, a pH monitoring Plan shall be provided within 90 days and complete implementation of the plan and schedule within 6 months of the adoption of these rules or included with a new permit application or Baseline Monitoring Report, which shall include the following:

i. A description of the location of the pH monitor(s)

ii. Equipment specifications identifying the manufacturer & model of the (a) pH meter; (b) pH probe; (c) pH transmitter (if applicable); and (d) the pH recorder (chart, electronic, other)

iii. Maintenance procedures to be used for cleaning the pH monitoring system used; including the frequency of cleaning. A step by step description of the calibration procedure used shall be maintained by the SIU

iv. Calibration procedure information including (a) whether the probe can or cannot be removed for calibration; (b) whether the direct or indirect method is used for calibration; (c) whether the pH meter is capable of temperature compensation; (d) the pH buffers (reagents) used; and (e) the frequency of meter calibration, with weekly (as a minimum)

v. All records shall be retained for a minimum of three years and shall be made available to the Control Authority's representative upon request. A summary of records shall be provided with the six-month report to demonstrate compliance during the period. This may be submitted as a hard-copy or in electronic form.

2) pH Monitoring - shall be provided by all Significant Industrial Users as follows:

i. The following Significant Industrial Users will provide a pH monitoring plan addressing continuous monitoring for pH consistent with ~~US EPA~~USEPA method 150.2 using appropriate pH monitoring and recording devices:

a. All SIUs classified as a Centralized Waste Treatment ~~facilities~~facility in accordance with 40 CFR 437;

b. All SIUs who discharge 25,000 gpd or more of Wastewater and who process acidic and/or caustic wastes and Wastewaters; or whose pH is adjusted on-site, whether done for operational or treatment purposes.

ii. Significant Industrial Users who discharge less than 25,000 gpd of Wastewater will provide a pH Monitoring Plan and monitor for pH using appropriate pH monitoring and recording devices, which are representative of the period of discharge.

iii. The Control Authority may require any User to install pH monitoring upon finding pH levels ~~may be~~ below 5.0 or greater than 11.5, and by serving written notice to the User.

3) The pH monitoring plan shall be acknowledged within the Wastewater discharge permit for the SIU. The following criteria shall also be included in the permit:

i. No individual excursion from the range of pH values shall exceed 15 minutes.

ii. Where continuous pH monitoring is used, the maximum and minimum pH readings will be reported. Regardless of the number of pH measurements recorded for each day, only one violation per day shall be determined.

iii. A summary of pH monitoring records shall be provided with the six-month report to demonstrate compliance during the period. This may be submitted as a hard-copy or in electronic form.

Section II-303. Protection from Accidental Discharges

a) All Users shall provide protection from accidental discharge, spill or Slug discharge of materials prohibited by these rules, contained in any raw materials, chemicals and/or wastes kept on the premises.

b) Users shall develop detailed plans against accidental discharge and/or spill discharge, and construct facilities, develop and implement measures reasonably necessary to avoid loss of life, damage to the Sewerage System, and/or damage to public and/or private property. These shall be implemented, provided, and maintained at the owner's or User's cost or expense.

c) At a minimum, plans against accidental discharge and/or spill discharge will be required when prohibited materials or substances are kept on the premises in a form which could readily be carried into the POTW; constitute a concentration of five (5%) percent or greater in the raw material, chemical solution or waste material; or are stored in volumes of more than fifty-five (55) gallons. Such plans shall include the following information:

1) Description of facilities and operating procedures to be implemented to provide protection against such accidental discharge, spill or slug discharge. Such facilities and measures to prevent and abate these discharges shall be implemented, provided, and maintained at the owner's or User's cost or expense.

2) Provide the approximate average and maximum quantities of such prohibited materials or substances kept on the premises in the form of raw materials; chemicals and/or waste therefrom and the containment capacity for each.

3) Identify facility contacts responsible for implementation and keeping the plan current.

4) Include notification procedures and post such requirements advising employees whom to contact in the event of any accidental, spill or slug discharge.

5) Include information on the secondary containment capacity available and the capacity available for containing rainfall or freeboard. Supporting calculations shall be maintained by the User and made available to the Control Authority upon request.

6) Include a certification statement signed by the facility's Authorized Representative.

d) Significant Industrial Users shall develop plans to control Slug discharges, as defined by 40 CFR § 403.8(f)(2)(v). The Control Authority shall evaluate whether any Significant Industrial User is required to develop, modify or revise a slug discharge plan at a frequency of at least once every two (2) years.

e) Existing Users who are required to develop any plan under sub-section b and/or c shall complete and submit such a plan within sixty (60) days of the effective date of these rules. Users who have previously filed such plans are not required to resubmit these plans unless the information has been revised or changed. New Users shall submit plans under sub-section b and/or c prior to the time they commence

discharging.

f) The User shall promptly notify the Control Authority of changes or modifications to the plan including, but not limited to, a change in the contact person(s), or substance inventory.

g) The User shall immediately notify the Control Authority of any change at its facility affecting the potential for a Slug discharge.

~~g)~~h) The Control Authority shall include as a requirement in a Wastewater discharge permit issued under these Rules, the development, revision and submittal of these plans described in sub-section b and/or c.

Article IV CLASSIFICATION OF WASTEWATER SOURCES

Section II-401. Specific Wastewater Source Classifications

a) The ~~Board~~Control Authority shall recognize the following specific Wastewater source classifications for purposes of these Rules:

1) Septage and waste haulers;
2) Groundwater sources and occasional or special waste sources;
3) Grease, oil and solid sources; and
4) Utility wastes and Wastewater.

b) The Control Authority may establish additional Industrial User classifications where necessary to efficiently carry out the intent of these Rules, or to administer the requirements of these Rules on a defined Industrial User group.

Section II-402. Septage and Waste Haulers

a) The ~~GLWA~~Control Authority has developed a program for the regulation of Septage and hauled wastes that are authorized for treatment from non-point sources. The regulatory requirements for this program are more fully described in Chapter V of these rules.

b) Domestic ~~wastes~~Sewage and Wastewater from recreational vehicles, individual portable toilets, and vessels and ships shall also be authorized in accordance with Chapter V of these rules.

c) The ~~GLWA Wastewater Treatment Plant~~Control Authority shall not accept any waste or wastewater at its ~~facility~~POTW on 9300 West Jefferson delivered by truck, rail or dedicated pipeline, other than Septage Waste and the contents of domestic waste septic tanks, cesspools, seepage pits, sewage lift stations and portable toilets may be discharged to the Sewerage System by haulers authorized to unload such materials and subject to the requirements of the Chapter V rules.

d) Hauled-in industrial wastes, other than described in paragraph b, shall not be discharged into the Sewerage System either directly or indirectly because of the risk potential to the well-being of the system and the receiving waters. Such wastes are to be disposed of in commercial facilities specializing in the reclamation, rendering, disposal, destruction or burial of non-hazardous, hazardous or potentially

hazardous wastes.

Section II-403. Special Discharge Environmental Remediation, Groundwater Sources and Occasional or Special Waste Sources may not be discharged unless authorization has been granted by the Control Authority.

a) The ~~GLWA~~Control Authority has developed a program for the regulation of Environmental Remediation, Groundwater Sources and Occasional or Special Waste Sources that are authorized for treatment from non-point sources. The regulatory requirements for this program are described in Chapter V of these rules.

b) Special wastes and Wastewaters not described by subparagraph (a) above, may be authorized for discharge if they do not pose harm or risk of harm to the sewerage system as determined by the Control Authority in its reasonable discretion. Such wastes include, but are not limited to, spoiled beer, wine, milk or other beverages, non-hazardous waste materials, and water and Wastewater from tanks or vessels, ships, freighters or barges.

Section II-404. Grease, Oil and Solids Interceptors

The contributions of ~~fats, oils and grease~~FOGs and the discharge of solid or viscous pollutants can cause or contribute to obstructions in the POTW and collection system. The installation and maintenance of grease, oil, and solids interceptors can minimize these occurrences. The ~~GLWA~~Control Authority will work with ~~GLWA~~ Member Communities and/or Wholesale Sewer Contract Customers to correct improper handling from sources found to cause or contribute to obstructions in the POTW and collection system.

a) Grease, oil, and solids interceptors shall be provided when, in the opinion of the Control Authority, they are necessary for the proper handling of Wastewater containing excessive amounts of grease and oil, or solids; except that such interceptors shall not be required for Domestic Sources. All interception units shall be of a type and capacity acceptable to the User's ~~GLWA~~ Member Communities and/or Wholesale Sewer Contract Customers and the Control Authority.

b) The Control Authority may require Users to provide records or other information concerning the inspection, cleaning and maintenance practices of the User.

c) The Control Authority may require any User to install and/or repair, maintain and operate grease, oil, and solids interceptors when, in the opinion of the Control Authority, they are found to cause or contribute to obstructions in the POTW and collection system. The Control Authority shall notify the User of grease, oil and solids sources in writing of such requirement(s).

d) All interception units shall be of a type and capacity acceptable to the local Health Department, community agency or ~~GLWA~~ Member Community, and the Control Authority. Such interceptors shall be regularly inspected, cleaned, and repaired by the User at their expense.

Section II-405. General Permits.

a) The Control Authority may authorize the discharge of utility wastes and Wastewater resulting from

maintenance and related activities of telephone, gas, steam, or electrical utilities, whether public or private, through the use of general permits. Subject to appropriate reporting requirements, the general permit shall authorize discharge in accordance with the terms of the permit.

b) General Permits may be used by the Control Authority to carry out these rules, for Users other than Significant Industrial Users, to authorize the discharge from User's activities. General Permits shall authorize discharge in accordance with the terms of the permit and include appropriate reporting requirements.

Article V REPORTING AND NOTIFICATION REQUIREMENTS

The Control Authority may require any User to provide any of the reports or notifications described within this section whenever there is a reasonable potential or actual finding.

Section II-501. General Notification Requirements

a) Notification requirements. Within one (1) hour of becoming aware of a discharge into the POTW which has the potential to cause, or does cause, the User to implement any accidental discharge, spill or Slug discharge, or to report the occurrence of an unanticipated by-pass or upset event, the User shall telephone the Control Authority at its System Control Center (313-267-6000), and notify the Control Authority of the discharge event.

1) The notification shall include the name of the caller, the location and time of discharge, the type of Wastewater, the estimated concentration of excessive or prohibited pollutants and estimated volume, and the measures taken, or being taken, to abate the discharge into the POTW.

2) Within five (5) calendar days after the discharge, the User shall submit a detailed written report to the Control Authority describing the cause of the discharge and the measures to be taken by the User to prevent similar future occurrences and, when required by the Control Authority, the User's Wastewater discharge permit may be modified to include additional measures to prevent such future occurrences.

b) Such notification shall not relieve the User of any expense, cost of treatment, loss damages or other liability which may be incurred as a result of, among other things, damage to the POTW, fish kills, or any other environmental impairment or any other damage to persons or property.

c) Recovery of costs. Any User discharging in violation of any of the provisions of these rules, which produces a deposit or obstruction or causes damages to or impairs the POTW, or causes the ~~GLWA~~Control Authority to violate its NPDES permit, shall be liable for any expense, loss, damage, penalty or fine incurred because of said violation or discharge. Prior to assessing such costs, the Control Authority shall notify the User of its determination that the User's discharge was the proximate cause of such damage, obstruction, impairment, or violation of the NPDES permit and the intent to assess such costs to the User. Any such notice shall include written documentation which substantiates the

determination of proximate cause and a breakdown of cost estimates. Failure to pay the assessed costs shall constitute a violation of these rules. Such charge shall be in addition to, and not in lieu of, any penalties or remedies provided under these rules, or this Code, or other statutes and regulations, or at law or in equity.

Section II-502. Specific Notification Requirements

a) All Users, whether required to have a Wastewater discharge permit, Authorization or not, shall notify the Control Authority at its System control center (313-267-6000) of any discharge or release that is contrary to the requirements of these rules.

b) The Control Authority may identify additional requirements for notice through a Wastewater discharge permit or authorization to discharge.

Section II-503. Hazardous Waste Notification

a) All Industrial Users, who discharge into the ~~sewer~~Sewerage System, shall notify the Control Authority ~~and the GLWA Member Community~~ in writing of any discharge of a substance which, if otherwise disposed of, would be a hazardous waste as set forth in 40 CFR 261. Such notification must comply with the requirements of 40 CFR 403.12(p).

b) At a minimum, any Significant Industrial User regulated under a Wastewater discharge permit issued by the Control Authority shall review their previous notification(s) and report any additions or other changes to the hazardous wastes discharged, in accordance with 40 CFR 403.12(j), to the POTW and provide the current information specified in paragraph (a) above at the time of seeking a Permit Renewal.

c) This provision does not create a right to discharge any substance not otherwise permitted to be discharged by these rules, or any permit issued thereunder, or any applicable Federal or State law.

Section II-504. Authorized Representative.

The Authorized Representative ~~of an Industrial User~~, or a duly-Authorized Representative if applicable, shall sign and certify any survey, permit application or re-application, Baseline Monitoring Report, 90-day report, or periodic report or a request for reconsideration or appeal hearing. Other documents, responses or reports may be signed by any other agent as long as the agents name, role and any limitations of the agency, are made known to the Control Authority in writing.

Section II-505. Best Management Practice Plans and Pollution Prevention Plans

The ~~GLWA~~Control Authority shall allow Users to develop and to implement Best Management Practice Plans and Pollution prevention plan initiatives as a partial response to non-compliance~~,~~ and incorporate such plans as an enforceable part of a Wastewater discharge permit. Upon demonstration of compliance, the User may request to be relieved of the Best Management Practice Plans and Pollution prevention implementation requirement.

Section II-506. Centralized Waste Treatment Facility Requirements

A Centralized Waste Treatment ~~Facilities~~Facility receive hazardous and non-hazardous materials for treatment and disposal through the local POTW and collection system.

a) Any new or existing Industrial User who operates a Centralized Waste Treatment Facility as described by 40 CFR 437, Subpart D (Multiple Waste stream Subcategory), shall provide an Equivalent Treatment that satisfies the requirements of 40 CFR 437.2(h), and applicable certification statement to the Control Authority when applying for a new Wastewater discharge permit, when submitting its Baseline Monitoring Report, or when re-applying for a Wastewater discharge permit. The statement shall be certified by a professional engineer registered in the State of Michigan. The statement must be provided with the Baseline Monitoring Report, or Wastewater discharge permit application or reapplication form.

b) Any new or existing Industrial User who operates a Centralized Waste Treatment Facility as described by 40 CFR 437, Subpart A, B or C shall provide a statement that the Centralized Waste Treatment Facility has treatment processes capable of treating the Wastewater received or collected by the Centralized Waste Treatment Facility, and necessary to meet the applicable discharge limitations. The statement shall be certified by a professional engineer registered in the State of Michigan. The statement must be provided with the Baseline Monitoring Report, or Wastewater discharge permit application or reapplication form.

c) ~~All~~A Centralized Waste Treatment ~~facilities~~Facility granted a permit under this section shall provide supplemental information with the periodic reports required under section II-705, that includes the volume (in gallons) of Subpart A (metal bearing wastes), Subpart B (oily wastes), and Subpart C (organic bearing wastes) received each month, held in inventory or removed off-site each month, and discharged to the sewer system each month.

~~e)~~d)A Centralized Waste Treatment ~~Facilities~~Facility granted a permit under this section shall maintain records which, at a minimum, identify the source, volume, character, and constituents of the Wastewater accepted for treatment and disposal. These records may be reviewed at any time by the Control Authority.

Article VI INSPECTION & MONITORING REQUIREMENTS

Section II-601. Right of Entry: Inspection and Monitoring.

a) The Control Authority shall have the right to enter the premises of any User to determine through inspection and monitoring, whether that User is complying with all requirements of these rules; and any Wastewater discharge permit issued hereunder. Such rights shall also permit the Control Authority to collect independent samples at the facility~~,~~ and install and retrieve monitoring equipment and instrumentation. The Control Authority shall perform these activities at reasonable times, and in a

reasonable manner.

b) Users shall allow the Control Authority, or the Control Authority's representative, ready access to all parts of the premises for the purposes of inspection, sampling, records examination and copying, and the performance of any additional duties authorized by these rules. The Control Authority may access any easement, street or other public location without notice.

c) Upon arrival at the User's premises, the Control Authority's representative shall notify and inform the User, or the User's employees, of their purpose. ~~Duly authorized employees or representatives of~~ The Control Authority's representative shall bear proper credentials and identification, and at the User's option may be accompanied by a representative authorized by the User.

d) Where a User has security measures in force, the User shall make prompt and necessary arrangements with the security personnel so that, upon presentation of appropriate credentials, ~~personnel from~~ the Control ~~Authority~~Authority's representative will be permitted to enter for the purposes of performing their specific responsibilities. The Control Authority shall neither refrain from, nor be prevented or delayed from, carrying-out its inspection or sampling duties due to the unavailability of the Authorized Representative of the facility.

e) While performing work on private property, the Control Authority shall observe all reasonable safety, security and other reasonable rules applicable to the premises as established by the User.

f) Should the Control Authority require photographs of the User's facilities, the User shall be notified, provided a consent form, and provided with electronic or printed copies of any such photographs within 48 hours. If requested by the User, these may be transmitted electronically.

g) Upon the request of the Control Authority, Users shall furnish access to information and records relating to discharges into the POTW. The User shall be notified, provided a consent form, and the Control Authority shall be permitted to photograph or copy such records.

h) Noncompliance with this subsection shall be addressed in accordance with the enforcement authority available through Article X of these rules.

Section II-602. Inspection, sampling and record-keeping.

a) Significant Industrial Users shall sample and analyze their discharge in accordance with the provisions of their permit. The Control Authority may require such samples to be split for the Control Authority's independent analysis.

b) Significant Industrial Users shall maintain records of all information from monitoring activities required by these rules, or by 40 CFR 403.12(o), for no less than three (3) years. This period of record retention shall be extended during the course of any unresolved litigation regarding the discharge of pollutants by the Industrial User, or the operation of the ~~GLWA's~~Control Authority's Industrial Waste Program, or when requested by the Control Authority, by the State, or by the ~~EPA~~USEPA.

c) In the event the Control Authority obtains samples, and analyses are made of such samples, a copy of

the results of such analyses shall be promptly furnished upon written request by the Industrial User's Authorized Representative.

d) When requested by the Industrial User, the Control Authority's representative shall leave with the Industrial User, a portion of any sample of the Industrial User's discharge taken from any sampling point on or adjacent to the premises for the Industrial User's independent analysis. Users must provide their own containers for receipt of such samples. Where the sampling protocol, e.g. grab-sampling, would affect the integrity of the sample, the User may be provided with a contemporaneously collected sample.

e) In cases of disputes arising over shared samples, the portion taken and analyzed by the Control Authority shall be controlling unless proven invalid. The Industrial User may request a conference with the Control Authority to review and discuss the shared sample results in dispute, including pertinent supporting materials and documents. The Control Authority shall issue a written conference report following such discussion.

Section II-603. Sampling Plans

a) All Significant Industrial Users shall provide a sampling plan describing the manner and form intended for representative wastewater self-monitoring. At a minimum, the plan shall include:

   i. A description of the sample collection method(s) based on grab, flow-proportional composite or time-proportional composite methods;

   ii. Designate applicable requirements for batch and/or continuous discharges, including the release time;

   iii. If applicable, the sampler settings, such as pulse, time, sample volume; and

   iv. If applicable, the flow-measurement equipment.

b) The sampling plan shall be submitted to the Control Authority~~,~~ and shall be implemented by the Significant Industrial User.

Section II-604. Sample Collection Methods

a) Users shall collect representative samples of the waste and Wastewater discharges using sampling procedures described by 40 CFR 403, Appendix E.

Except for samples for oil and grease, temperature, pH, cyanide, total phenols, sulfides, and volatile organic compounds, wastewater samples must be collected using 24-hour flow-proportional composite sampling techniques, unless time-proportional composite sampling or grab sampling is authorized by the Control Authority. A Significant Industrial User may request the use of time-proportional composite sampling or grab sampling rather than flow-proportional composite sampling by demonstrating that the use of time-proportional composite sampling or grab sampling will provide samples representative of the SIU's discharge. The User shall provide supporting documentation including any statistical analysis submitted in support of the request.

   i. The Control Authority may authorize the use of alternative sampling methods, where such

methods are representative of the Significant Industrial User's Discharge and shall document its decision in the SIU file.

ii. If granted by the Control Authority, the authorization shall be limited to the duration of the Wastewater discharge permit. A Significant Industrial Users shall request re-authorization of a waiver request with any permit re-application form filed with the Control Authority. The Control Authority shall review any such request *de novo*.

Section II-605. Sampling & Monitoring Facilities

a) All Significant Industrial Users, and any other Industrial User who discharge under an effective Wastewater discharge permit or other control mechanism, shall provide, operate, and maintain at their own expense a sampling and monitoring facility to enable the Control Authority to conduct such other monitoring and sampling as required for determining compliance. The sampling and monitoring facility includes but is not limited to, a manhole or special structure to facilitate monitoring, inspection, sampling, and flow measurement of the facility's discharge, if applicable.

b) Consistent with Section II-603(a), the Industrial User shall provide the following technical information to the Control Authority:

1) A drawing or sketch showing all sewer connections and sampling manholes by the size, location, elevation, and points or places of discharges into the POTW; and

2) A flow schematic showing (i) the connections receiving each national categorical process waste streams, (ii) connections receiving other process waste streams, storm water, sanitary water or Cooling Water, and (iii) any conveying a combined waste stream; and

3) A sampling plan in accordance with section II-603 above;

4) Where flow-proportional composite sampling is performed on-site, information describing the Industrial User's flow monitoring instruments, including make and model number; recording devices used, including make and model number; and must include a non-resettable flow totalizer; and

5) Where flow-proportional composite sampling is performed on-site, the specific criteria for sampling is described in Chapter VI of these rules shall also be followed.

c) In the event the Control Authority determines that the monitoring facility identified in the permit application is inadequate, or fails to include Wastewater regulated under these rules, a new monitoring facility must be identified, or provided by the Industrial User, which shall allow for collection of a representative sample of the Wastewater discharged from the facility, by serving written notice to the Industrial User.

d) The sampling and monitoring facility should be situated on the Industrial User's premises in a location readily accessible to the Control Authority. There shall be ample room in or near such sampling or monitoring manhole or facility to allow accurate sampling and preparation of samples for analysis. The facility and any permanently installed sampling and measuring equipment shall be maintained at all

times in a safe and proper operating condition at the expense of the Industrial User.

e) When such a location would be impractical or cause undue hardship to the Industrial User, the Industrial User may seek approval for the facility to construct the sampling manhole in the public streets, or sidewalk area when there is room and the location will not be obstructed by landscaping or parked vehicles. It shall be the responsibility of the Industrial User to obtain any necessary approvals which may be required from other government entities for the location and construction of monitoring facilities. Whether constructed upon public or private property, the sampling and monitoring facilities shall be provided in accordance with all applicable local construction standards and specifications.

d) The sampling and monitoring facility shall be properly operated, kept clean, and maintained in good working order at all times. The failure of an Industrial User to keep its monitoring facility in good working order shall be grounds for the Control Authority to issue a written finding that sample results are unrepresentative of the Industrial User's discharge.

Article VII WASTEWATER DISCHARGE PERMITS & OTHER CONTROL MECHANISMS

Section II-701. Survey, Permit Applications and Baseline Monitoring Reports

a) Duty to apply. No User may discharge Wastewater, other than Domestic ~~waste~~Sewage, without receiving authorization from the Control Authority. Any new or existing User who has not obtained authorization for discharge shall comply with the following:

1) Any new or existing User, who does not have an effective Wastewater discharge permit but meets the definition of a Significant Industrial User after the effective date of these rules, is required to submit a complete permit application in accordance with Section II-703, to the Control Authority and obtain a Wastewater discharge permit for its discharge. The permit application must be provided by a new User at least ninety (90) days prior to the commencement of any discharge; or for an existing User (as of the effective date of these rules), within thirty (30) days of the effective date of these rules. A failure to apply is a violation of these rules.

2) Any new or existing Industrial User who performs an operation covered by a National ~~Categorical~~ Pretreatment Standard shall file a Baseline Monitoring Report in accordance with Section II-702 to the Control Authority and obtain authorization for its discharge.

3) All other new or existing Users discharging Wastewater, other than Domestic ~~waste~~Sewage and Cooling Water, must file a survey application and receive authorization from the Control Authority for its discharge.

4) Users who have previously filed a survey, permit application, or Baseline Monitoring Report with the Detroit Water & Sewerage Department or GLWA prior to the effective date of these rules and have received an effective Wastewater Discharge Permit or Letter of Authorization, are not required to resubmit their survey, permit application, or Baseline Monitoring Report.

b) The Control Authority may require any User to complete a survey~~,~~ or permit application to determine whether the User is a Significant Industrial User~~,~~ or is subject to other regulatory requirements (described in Chapter III, IV, or VII). Users shall comply within thirty (30) days of receiving written notice. Failure of the Control Authority to so notify a User, shall not relieve the User of its duty to obtain a wastewater discharge permit as required by these rules.

c) Upon receipt of any survey, permit application, or Baseline Monitoring Report, the Control Authority shall notify the User that:

1) The User is not authorized to discharge. The notice will be in writing and shall indicate what additional information, pretreatment facilities, monitoring facilities or other requirements are necessary for authorization;

2) The User is a Significant Industrial User and is authorized to discharge, conditioned upon issuance of a Wastewater discharge permit or other control mechanism; or

~~3) The User meets the definition of a Non-significant Categorical Industrial User and the applicable conditions and requirements under a Wastewater Authorization letter; or~~

~~4)~~3) The User is not a Significant Industrial User and is authorized to discharge as a Minor User under a Wastewater authorization letter.

Section II-702. Baseline Monitoring Report Requirements

a) Within one hundred eighty (180) days after the effective date of a Categorical Pretreatment Standard, or one hundred eighty (180) days after the final administrative decision made upon a category determination submission under Section 40 CFR 403.6(a)(4), whichever is later, existing Industrial Users subject to such Categorical Pretreatment Standards and currently discharging into or scheduled to discharge into the POTW, shall submit to the Control Authority, a report containing the information listed in 40 CFR 403.12(b)(1-7).

b) At least ninety (90) days before commencement of any discharge, each new source and any existing sources that become Industrial Users after the promulgation of an applicable Categorical Pretreatment Standard, shall submit to the Control Authority, a report which contains the information listed in 40 CFR 403.12(b)(1-5). In such report, new sources shall include information concerning the method of pretreatment that the source intends to use to meet applicable Categorical Pretreatment Standards. New sources shall provide estimates of the information requested in 40 CFR 403.12(b)(4) and (5).

c) The ~~US EPA~~USEPA has established regulations at 40 CFR 405 through 471, National Categorical Pretreatment Standards applicable to specific industrial activities. The ~~GLWA~~Control Authority adopts these by reference, as listed in Appendix A, of these rules.

1) Any Industrial User subject to a National Categorical Pretreatment Standard, or any Industrial User who becomes subject to a new or revised National Categorical Pretreatment Standard, shall apply for a Wastewater discharge permit within ninety (90) days after the promulgation of the applicable

National Categorical Pretreatment Standard, unless an earlier date is specified or required by 40 CFR 403.12(b).

2) The Control Authority may require any Industrial User to complete a Baseline Monitoring Report to determine whether the Industrial User performs an operation described by a National Categorical Pretreatment Standard. The Industrial User shall provide information demonstrating that ~~they do~~it does not ~~performs~~perform an operation described by a National Categorical Pretreatment Standard~~,~~ or provide a Baseline Monitoring report within thirty (30) days of being so notified.

3) New Sources. Industrial Users who meet the New Sources criteria shall install, maintain in operating condition, and "startup" all Pollution control equipment required to meet applicable Categorical Pretreatment Standards and requirements before beginning to discharge. Within the shortest feasible time and not to exceed ninety (90) days, new sources must meet all applicable Categorical Pretreatment Standards.

Section II-703. Contents of Survey or Permit Application

a) In support of a survey, permit application or re-application, the User shall submit, in units and terms appropriate for evaluation, the following information:

1) Corporate or individual name, any assumed name(s), address, and location of the discharging facility;

2) Name and title of the Authorized Representative of the User who shall have the authority to bind the User financially and legally. Where the Authorized Representative is represented by an agent, the authorized representative shall also identify the agent and any applicable limitations or restrictions of their agency;

3) The Standard Industrial Classification codes of all processes at this location according to the Standard Industrial Classification manual, issued by the Executive Office of the President, Office of Management and Budget, 1987, or the equivalent based upon the North American Industrial Classification System (NAICS), as amended;

4) Actual or proposed Wastewater constituents and characteristics for each parameter listed in the permit application form. At a minimum, such parameters shall include the applicable Categorical Pretreatment Standards ~~and Requirements~~ from any applicable National Categorical Pretreatment Standard or any pollutant parameter for which there is a local Pollution discharge limitation; and any other toxic pollutants known or suspected to be present in the discharge, regulated in the previous permit, or specifically requested by the Control Authority. For each parameter, the expected or experienced maximum and average concentrations during a one (1) year period shall be provided;

5) For industries subject to National Categorical Pretreatment Standards ~~or requirements~~, the data requested herein shall be separately shown for each categorical process waste stream. Combined

waste streams proposed to be regulated by the combined waste stream formula shall also be identified. Sampling and analysis shall be performed in accordance with procedures established by the ~~EPA~~USEPA pursuant to 33 U.S.C. 1314(g) and contained in 40 CFR 136, as amended. Where 40 CFR 136 does not include sampling or analytical techniques for the pollutants in question, sampling and analysis shall be performed using validated analytical methods approved by the administrator;

6) A listing and description of activities, facilities and plant processes on the premises, and the pollutants associated with each process. Those processes, which are subject to National Categorical Pretreatment Standards ~~or requirements~~, shall be so designated;

7) A listing of raw materials and chemicals which are either used in the manufacturing process or could yield pollutants requiring pretreatment prior to discharge to the ~~sewer~~Sewerage System. Any User claiming immunity from having to provide such information for reasons of national security shall furnish acceptable proof of such immunity;

8) A description of typical daily and weekly operating cycles for each process in terms of starting and ending times for each of the seven (7) days of the week;

9) Information on the average and maximum twenty-four (24) hour wastewater flow rate based on actual measurements, or estimated and the means of estimation, of (i) each process waste stream subject to a National Categorical Pretreatment Standard, (ii) each process waste stream not subject to a National Categorical Pretreatment Standard, (iii) non-process waste streams including but not limited to Cooling Water, sanitary water, or any other Wastewater. This information shall include any applicable daily, monthly or seasonal variations for each waste stream;

10) Each combined waste stream, specifying the flow rate of regulated, unregulated and diluting waste streams;

11) A drawing showing all sewer connections and sampling manholes by the size, location, elevation and points or places of discharges into the POTW; also a flow schematic showing which connections receive each national categorical process waste stream and which connections receive Storm Water, sanitary water or Cooling Water; also show which lines handle each combined waste stream;

12) The rate of production as pertains to processes subject to production-based limits under the National Categorical Pretreatment Standards ~~or requirements~~;

13) A statement regarding whether or not the requirements of these rules and of the National Categorical Pretreatment Standards and requirements are being met on a consistent basis and, if not, what additional operation and maintenance work and/or additional construction is required for the Industrial User to meet the applicable standards and requirements. This statement shall be reviewed and signed by the Authorized Representative and, as appropriate, certified by a qualified

professional;

14) Basic information on the program for the prevention of accidental discharges;

15) Proposed or actual hours of operation of each pretreatment system for each production process;

16) A schematic and description of each pretreatment facility which identifies whether each pretreatment facility is of the batch type or continuous process type;

17) The source of any intake water if other than through the GLWA and the basis for measurement;

18) The volume of any discharge water other than potable water obtained through any source and the basis of measurement;

19) If additional construction and/or operation and maintenance procedures will be required to meet the requirements of these rules and the National Categorical Pretreatment Standards, the shortest schedule by which the Industrial User will provide such additional construction and/or implement the required operation and maintenance procedures;

20) Identify whether the Industrial User has conducted a waste minimization assessment or audit of its operations in order to identify all feasible source reduction and recycling practices that may be employed to reduce or eliminate the generation of pollutants and other wastes at the facility; and

21) Any other information as may reasonably be required to prepare and process a Wastewater discharge permit.

Section II-704. Permit Issuance

Upon receipt of any survey, permit application, or Baseline Monitoring Report, the Control Authority shall review the information and advise the User of:

a) The User does not meet the definition of a Significant Industrial User and is authorized to discharge as a Minor User under a Wastewater authorization letter; or

b) The User meets the definition of a Significant Industrial User and is authorized to discharge under a Wastewater discharge permit or other control mechanism; or

~~c) The User meets the definition of a Non-significant Categorical Industrial User or Dental Industrial User; and is authorized to discharge under a Wastewater Discharge Permit or other Control Mechanism; or~~

~~d)~~c) The User meets the definition of a Significant Industrial User and is conditionally authorized to discharge under an administrative order including schedules for additional information, pretreatment facilities, monitoring facilities or other requirements are necessary for processing a Wastewater discharge permit; or

~~e)~~d) The User is not authorized to discharge. The Control Authority may withhold issuance of a permit to a Significant Industrial User, which has not submitted an adequate or timely report, or permit application, to the control authority in accordance with the reporting requirements of 40 CFR 403.12, or whose discharge is in violation of these rules. The failure of the Industrial User to cease discharging following

notification shall be considered a violation of these rules.

~~f~~e) Procedure for Permit Issuance. Only one (1) facility location shall be included in each permit. If the Control Authority determines that the User meets the definition of a Significant Industrial User, is required to have a Wastewater discharge permit, and has evaluated and accepted the data furnished, the Significant Industrial User will be notified by U.S. mail, using certified mail.

1) Draft Wastewater Discharge Permit. The notification shall contain a copy of the draft permit, so marked, for review. A Significant Industrial User has thirty (30) days from the date of mailing to file comments and/or a response to the draft permit. The Control Authority will evaluate the comments and response to the draft permit and consider them for inclusion in a final Wastewater discharge permit.

2) Final Wastewater Discharge Permit. Following expiration of the thirty (30) day comment period, or consideration of any comments or responses made, the Control Authority shall prepare a Final Wastewater discharge permit. The Final Wastewater discharge permit will be transmitted by U.S. Mail. The Significant Industrial User has twenty (20) days from the date of mailing to file a request for reconsideration and/or appeal hearing in accordance with Chapter VIII. During the appeal process, the SIU will comply with all uncontested terms or conditions which shall be in full force and effect. Upon disposition of any contested terms or conditions, the Wastewater discharge permit shall be issued as final.

Section II-705. Types and Contents of Wastewater Discharge Permits

a) The Control Authority shall develop Wastewater discharge permit formats meeting the needs of Significant Industrial Users as well as the special Wastewater sources discharging to the ~~sewer~~Sewerage System. Such formats include, but are not limited to, general permits for multiple location facilities, special discharge permits, and unloading permits for hauled-in wastes and Wastewater.

b) Every Wastewater discharge permit shall contain all requirements of 40 CFR 403.8(f)(1)(iii) and shall be deemed to incorporate all provisions of these rules, other applicable laws, rules, regulations, and charges and fees established by the ~~GLWA~~Control Authority without repetition therein.

c) A Wastewater discharge permit may also contain the following:

1) The Wastewater discharge permit shall specify the wastes and Wastewaters which the Control Authority authorizes an Industrial User to discharge to the ~~GLWA's sewer~~Sewerage System; and identify any wastes or Wastewater for which the request to discharge is denied; and the wastes and Wastewater requiring imposition of special conditions in order to comply with the permit.

2) Limits on the average and maximum Wastewater constituents or characteristics which are equivalent, more restrictive than, or supplemental to the numeric limits enumerated in these rules, or the applicable National Categorical Pretreatment Standards;

i. Limits on average, and/or maximum rate and time of discharge or requirements for flow regulation and equalization;

ii. Limits on the average volume, and/or maximum volume of Wastewater that is authorized for discharge. The ratio of average to maximum volume shall not exceed three (3), except where seasonal variations of the average and/or maximum volume are noted in the permit;

iii. Requirements for installation, operation, and maintenance of discharge sampling manholes and monitoring facilities by the Significant Industrial User;

iv. Restrictions on which of the Significant Industrial User's discharge waste streams are to be allowed to be discharged at each point of connection to the POTW;

v. Specifications for Significant Industrial User monitoring programs which may include sampling locations, frequency and type of sampling, number, types and standards for tests and reporting schedules;

vi. Requirements for the prevention of accidental discharges and the containment of spills or Slug discharges;

vii. Restrictions based on the information furnished in the application;

viii. Additional reporting requirements:

a. All permittees shall submit a report on the form prescribed by the Control Authority, or on an alternative form approved by the Control Authority, indicating the status of compliance with all conditions enumerated or referred to in the Wastewater discharge permit, or made applicable to the permit by these rules. Unless required more frequently, the reports shall be submitted on a periodic basis (generally six months), on a schedule to be established by the Control Authority. Analytical data generated by the Control Authority shall not be submitted in lieu of the facility's own self-monitoring data as required by the Wastewater discharge permit.

b. The report shall show the concentration of each substance for which there is a specific limitation in the permit. The report will include all calculations necessary to demonstrate compliance with any 4-day, 30-day or monthly average, or mass limitation that may be included in the permit.

c. Permittees subject to National Categorical Pretreatment Standards ~~or requirements~~ shall submit compliance reports at the times and intervals specified by federal regulations and by the Control Authority. A compliance report shall be submitted to the Control Authority no later than ninety (90) days following the final compliance date for a National Categorical Pretreatment Standard, or in the case of a New Source, no later than ninety (90) days, following commencement of the introduction of wastewater into the POTW, and in accordance with 40 CFR 403.12(d).

A ninety (90) day report shall also be provided where the facility's treatment system(s) are upgraded, modified or replaced so as to demonstrate compliance with applicable limitations.

d. A report on continued compliance shall be submitted at six-month intervals thereafter on the schedule established by the Control Authority and incorporated into the Significant Industrial User's discharge permit. The reports shall be either on a form prescribed by the Control Authority or on an alternative form approved by the Control Authority, and shall indicate the nature and concentration of all pollutants in the discharge from each regulated process which are limited by National Categorical Pretreatment Standards, or which there is a specific limitation in the permit, or which may be identified by the Control Authority. The report shall include a record of measured or estimated average and maximum daily flows for the reporting period for the discharges regulated by the permit. The combined waste stream formula may be used for reporting purposes after the initial information has been furnished to the Control Authority, provided there have been no changes to the elements composing the combined waste stream.

e. Reports shall contain the results of representative sampling performed during the period covered by the report and of the discharge and analysis of pollutants contained therein, and, for Significant Industrial Users subject to production based standards, shall be cross-referenced to the related flow or production and mass as required to determine compliance with the applicable pretreatment standards. The frequency of monitoring shall be as prescribed in the applicable general pretreatment regulations, being 40 CFR 403, or by the Control Authority, but no less than is necessary to assess and assure compliance by the Significant Industrial User with the most stringent applicable pretreatment standards and requirements. All sampling and analysis shall be performed in accordance with applicable regulations contained in 40 CFR 136 and amendments thereto. Where 40 CFR 136 does not include sampling or analytical techniques for the pollutants in question, sampling and analysis shall be performed using validated analytical methods approved by the Administrator.

f. If any Significant Industrial User monitors any pollutant more frequently than required by the Control Authority, collects the sample(s) at monitoring locations specified in the wastewater discharge permit, and analyzes such samples using approved analytical procedures, the results of this monitoring shall be included in such report.

g. The report shall state whether the applicable pretreatment standards are being met

on a consistent basis and, if not, what additional operation and maintenance practices and/or pretreatment system improvements or changes are necessary to bring the Significant Industrial User into compliance with the applicable pretreatment standards.

h. All Significant Industrial Users shall include the following certification statement with the periodic (six-month) report: "*I certify under penalty of law that this document and all attachments were prepared under my direction, or supervision, in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of a fine and/or imprisonment for knowing violations.*" Said certification shall be signed by the facility's Authorized Representative. If an authorization is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, or overall responsibility for environmental matters for the company, a new authorization satisfying the requirements of the Authorized Representative must be submitted to the Control Authority prior to, or together with, any reports to be signed by an Authorized Representative.

i. If sampling performed by a permittee indicates a violation, the Significant Industrial User shall notify the Control Authority within twenty-four (24) hours of the time said Significant Industrial User knows, or should have known, of the violation. In addition, the Significant Industrial User shall repeat the sampling and analysis, and submit the results of the repeat analysis to the Control Authority within thirty (30) days after said Industrial User becomes, or should have become, aware of the violation in accordance with ~~their~~its Wastewater discharge permit.

d) In the event the Control Authority determines that any Significant Industrial User is discharging substances in quality, quantity or at locations which may cause problems to the POTW, or the receiving stream, the Control Authority has the authority to develop and enforce effluent limits applicable to the Significant Industrial User. To the extent the Control Authority seeks to impose restrictions in a permit which are more restrictive than established in these rules, the Control Authority shall provide written documentation to explain its rational basis for the greater restriction, or protection against pass through, interference, or violation of the NPDES permit, to the Significant Industrial User;

e) Requirement for pollution prevention plan initiatives or Best Management Practice Plans; and

f) Other requirements reasonably necessary to ensure compliance with these rules.

Section II-706. Permit Duration, Notification of Changed Conditions, Modification and Transfer

a) Permit duration. Any permit issued by the Control Authority shall be issued for a specified time period, but in no case shall a permit have a term greater than five (5) years. The effective date and the expiration date shall be included in every permit issued by the Control Authority.

b) Notification of Changed Conditions. It is the duty of each Significant Industrial User to promptly notify the Control Authority of (i) material or substantial changes to its facility or operation, (ii) substantial change in the volume of Wastewater discharged, or (iii) changes in the characteristics of its effluent, including the listed or characteristic Hazardous Wastes for which initial notification under 40 CFR 403.12(p) has been made. The Significant Industrial User shall notify the Control Authority by filing a completed permit application form at least thirty (30) calendar days prior to the change identifying the changes and including supporting documentation. The Control Authority will evaluate the permit application in accordance with sub-paragraph (d) below. The failure of the Significant Industrial User to so apply shall be considered a violation of these rules.

c) Finding of Changed Conditions. Where the Control Authority finds or discovers (i) material or substantial changes to a Significant Industrial User's facility or operation, (ii) substantial change in the volume of Wastewater discharged, or (iii) changes in the characteristics of its effluent, including the listed or characteristic Hazardous Wastes for which initial notification under 40 CFR 403.12(p), it shall require the Significant Industrial User to provide a permit application and supporting documentation within 30 days. The Control Authority will evaluate the permit application in accordance with sub-paragraph (d) below. The failure of the Significant Industrial User to so apply shall be considered a violation of these rules.

d) Permit modification. The terms and conditions of the permit may be subject to modification and amendment by the Control Authority during the term of the permit. The modification may be based upon information provided by the Significant Industrial User or discovered by the Control Authority, which includes:

1) A permit application provided in accordance with Section II-706. Sub-paragraph b or c;
2) Changes in the monitoring location or method of sampling;
3) Typographical errors or omissions discovered in permits;
4) Amendments or changes to the limitations or pretreatment standards and requirements identified in Section II-204;
5) Material or substantial changes to a Significant Industrial User's facility or operation, or changes in the characteristics of its effluent.
6) A Significant Industrial User's noncompliance with portions of an existing permit;
7) A finding of interference or pass through attributable to the Significant Industrial User;
8) A change of conditions within the POTW;
9) Embodiment of the provisions of a legal settlement or of a court order;

10) Change(s) in the Control Authority's NPDES permit;

11) Any changes necessary to fulfill the Control Authority's role ~~as control authority;~~under federal or state law;

12) Amendments to, or promulgation of, national categorical pretreatment standards or requirements including 40 CFR 403 and those delineated in Appendix A of these rules.

e) 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.

f) Permit custody and transfer. Wastewater discharge permits are issued to a specific person as defined herein for a specific discharge. A Wastewater discharge permit shall not be reassigned or transferred or sold to a different person, new owner, new Significant Industrial User, different premises, or a new or changed operation without notice to and written approval of the Control Authority and providing a copy of the existing permit to the new owner or operator. It shall be the permit holder's duty to notify the Control Authority of any such change at least thirty (30) days before the date of the change. Wastewater discharge permits, which do not receive the written approval of the Control Authority prior to the change, shall be null and void regardless of reassignment, or transfer, or sale. If it determines that an unreported change has occurred, the Control Authority may revoke a permit. If a change takes place, the Control Authority may require the application for a new or modified permit. Any succeeding person shall comply with the terms and conditions of any existing permit which the Control Authority allows to be retained.

Section II-707. Permit Re-application.

A Significant Industrial Users whose Wastewater discharge permit is expiring apply for reissuance of the permit by submitting a complete permit re-application form a minimum of ninety (90) days prior to the expiration date of its existing permit. The permit re-application form shall include all information specified in Section II-703, which includes, but is not limited to, updates and re-certification of the spill or Slug control plans, updates to the 40 CFR 403.12(p) Hazardous Waste notifications, and for a Centralized Waste Treatment ~~Facilities~~Facility, the current equivalent treatment study or treatment statement in accordance with Section II-506. The evaluation and review of a permit re-application by the Control Authority will be *de novo*, and in accordance with Section II-705.

a) Where a Significant Industrial Users has submitted a complete and timely re-application form, the existing permit shall be automatically extended until a permit is issued as final by the Control Authority.

b) Where a Significant Industrial Users has not submitted a complete or timely re-application form, the Control Authority may issue an administrative order authorizing the discharge for a period not to exceed six (6) months.

c) Where a Significant Industrial Users fails to submit a permit re-application, or submits the re-application after the permit expiration date, the Wastewater discharge permit will be expired as of the date specified in the permit. The failure of the Significant Industrial Users to so apply shall be considered a violation of these rules.

Article VIII SIGNIFICANT INDUSTRIAL USER REQUESTS

Section II-801~~. Waiver of Sampling Requirements~~: Periodic Compliance Reporting Frequency

~~a) Significant Industrial Users may request a waiver from the Control Authority to forego sampling, or the frequency for sampling, of a pollutant included in a Wastewater Discharge Permit. The Control Authority shall approve and authorize the request if the Significant Industrial Users has demonstrated through sampling, and other technical factors, that the pollutant is neither present nor expected to be present in the Discharge, or is present only at background levels from intake water and without any increase in the pollutant due to activities of the Significant Industrial Users. Where the pollutant(s) are based upon a categorical Pretreatment Standard(s), the Significant Industrial Users shall comply with all requirements of 40 CFR 403.12(e)(2), in addition to those established by the Control Authority.~~

~~b) Any authorization of a sampling waiver request shall not be effective until the Wastewater Discharge Permit has been modified, revised or reissued. Such authorization is subject to the following conditions:~~

~~1) The waiver may be authorized where a pollutant is determined to be present solely due to sanitary wastewater discharged from the facility provided that the sanitary wastewater is not regulated by an applicable categorical standard and otherwise includes no process wastewater.~~

~~2) Monitoring waivers are only valid for the term of the individual wastewater discharge permit, but in no case longer than five (5) years. The Significant Industrial User must submit a new request for the waiver before the waiver can be granted for each subsequent individual wastewater discharge permit.~~

~~3) In making a demonstration that a pollutant is not present, the Significant Industrial Users must provide data from at least one sampling of the facility's process wastewater prior to any treatment present at the facility and that is representative of all wastewater from all processes.~~

~~4) The request for a monitoring waiver must be signed by the Authorized Representative, and include the certification statement in 40 CFR 403.6(a)(2)(ii).~~

5) Non-detectable sample results may be used only as a demonstration that a pollutant is not present if the EPA approved method from 40 CFR 136 with the lowest minimum detection level for that pollutant was used in the analysis.

6) Any grant of the monitoring waiver by the Control Authority must be included as a condition in the Significant Industrial User's permit. The reasons supporting the waiver and any information submitted by the Significant Industrial User in its request for the waiver must be maintained by the Control Authority for three (3) years after expiration of the waiver.

7) Upon approval of the monitoring waiver and revision of the permit by the Control Authority, the Significant Industrial User must certify on each periodic report, that there has been no increase in the pollutant in its waste stream due to activities of the Significant Industrial User.

8) In the event that the Control Authority finds a waived pollutant is present or is expected to be present because of changes that occur in the Significant Industrial User's operations, the Significant Industrial User shall be notified in writing and comply with the monitoring requirements, including increase in monitoring frequency imposed by the Control Authority.

9) This provision does not supersede certification processes and requirements established in Categorical Pretreatment Standards, except as otherwise specified in the Categorical Pretreatment Standard.

Section II-802: Periodic Compliance Reporting Frequency

a) Significant Industrial Users may request modification of the Periodic Compliance Report to no less frequently than once a year, under the following conditions:

1) The total wastewater discharge from the Significant Industrial User does not exceed five thousand (5,000) gallons per day;

2) The contribution of all wastewater pollutants is less than 0.01 times the maximum allowable headworks loading for the GLWA wastewater treatment plant.

3) The Significant Industrial User has not been in Significant Noncompliance in the last two (2) years.

b)a) Significant Industrial Users may request modification and an offset of the time period included in their periodic compliance report. Example, where a Significant Industrial User is required to submit data on the discharge for a six-month period of January through June, or July through December, the Significant Industrial User may request an offset period of December through May and June through November.

~~c)~~b)The Control Authority may authorize the modifications requested by the Significant Industrial User as long as it does not violate any federal or state requirement, or court order. When authorized, the Wastewater discharge permit or permit addendum shall be issued by the Control Authority.

Section II-~~803~~802. Electronic Reporting

The Control Authority may choose to receive electronic documents and notices described in these rules, upon satisfaction of the electronic reporting requirements of 40 CFR 3. The Control Authority will notify Users if electronic (digital) documents can be accepted in accordance with 40 CFR 3, and the specific requirements for submission of such documents. Users that send electronic (digital) documents must satisfy the specific requirements of the Control Authority.

Article IX. PUBLIC INFORMATION AND CONFIDENTIAL INFORMATION

Section II-901. Public information

a) All information and data on any User obtained from a User or created by the Control Authority, from any written reports, questionnaires, permit applications, permits and monitoring programs, and from inspections, or any other sources shall be available to the public or other governmental agencies without restriction unless the User specifically requests and is able to demonstrate that the release of such information would divulge information, processes, or methods of production entitled to protection as confidential information under State law.

b) Any person may request the above information in accordance with the written procedures and guidelines of the ~~GLWA~~Control Authority found at www.glwater.org.

Section II-902. Confidential information

a) A User claiming a submission contains confidential information must assert such claim at the time of submission of the information or data; and demonstrate that such information should be held confidential or disclosure would pose a risk to trade secrets or secret processes and mark the information and documentation accordingly. The ~~GLWA's~~Control Authority's Office of General Counsel shall determine whether the information requested is to be treated as confidential information~~,~~ and provide their decision in writing.

b) Where the User has demonstrated that confidential information is present in the submission, those portions of the report shall not be made available for inspection by the public, but shall be made available immediately upon request to governmental agencies for uses related to the NPDES program or pretreatment program, and in enforcement proceedings involving the person furnishing the report.

c) Wastewater constituents and characteristics and other effluent data, as defined at 40 CFR 2.302, shall not be recognized as confidential information and shall be available to the public without restriction.

d) A User may appeal the decision of the ~~GLWA's~~Control Authority's Office of General Counsel in accordance with ~~Section 8 of~~ the Michigan Freedom of Information Act ~~Policy adopted by the~~

~~Board~~.

Article X ENFORCEMENT

Section II-1001. Enforcement Response Guide

The ~~GLWA~~Control Authority has developed an enforcement response guide to include a range of enforcement responses available to the ~~GLWA~~Control Authority to effectively enforce the terms and conditions of its rules. The Control Authority shall implement the industrial pretreatment program and enforce these rules in accordance with the enforcement response guide approved by the ~~MDEQ~~EGLE.

The Control Authority, using information provided by a User or independently collected by ~~authorized personnel of the GLWA~~the Control Authority's representative, shall identify any User violating these rules and initiate the remedies enumerated in the enforcement response guide to abate the violation and/or restore the User to a compliant condition through administrative and judicial enforcement remedies authorized by these rules.

Section II-1002. Test of Good Faith Effort

The Control Authority may consider the good faith of a User as a factor in determining the enforcement response(s) to invoke to an incident of noncompliance. The good faith of a User may be established by considering the cooperation and efforts made by a User in achieving and maintaining compliance with these rules; and in the promptness with which a User responds to resolution of an incident of noncompliance. If the User appears to be acting in good faith to comply with the rules, the Control Authority may choose an enforcement action on a more conciliatory level than if the User does not appear to be acting in good faith to comply with the rules.

Section II-1003. Violations

a) Violations shall include any act or conduct by a User that includes:
   1) The failure of a User to provide a permit application, Baseline Monitoring Report or other application form for any discharge of Wastewater to the ~~sewer~~Sewerage System prior to the commencement of discharge, whether from a new or existing source;
   2) The failure of a User to completely and/or accurately report the Wastewater constituents and/or characteristics of the User's discharge;
   3) The failure to report significant changes in the User's operations or Wastewater constituents and/or characteristics within the time frames provided in Section II-706 (b) of these rules;
   4) The failure or refusal to grant reasonable access to the User's premises, waste discharge, or sample location for the purpose of inspection or monitoring;
   5) Restricting, locking out or preventing, directly or indirectly, access to any monitoring facilities constructed on public or private property. The locking or securing of the monitoring facility shall not constitute a violation pursuant to this subsection, provided, that upon request, reasonable access

to the facility is promptly provided to the Control Authority representatives;

6) Restricting, interfering, tampering with, or rendering inaccurate any of the Control Authority's monitoring devices including, but not limited to, samplers;

7) Failing to obtain a Wastewater discharge permit prior to discharging Wastewater to the POTW;

8) Failing to comply with any condition or requirement of the User's Wastewater discharge permit, or other control mechanism;

9) Failing to provide notification of any self-monitoring violation, accidental release, or other notice required under these rules;

10) Failing to comply with any limitation, prohibition, or requirement of these rules, or order issued hereunder. Users acting in full compliance with wastewater discharge permits issued prior to the effective date of these rules shall be deemed to be in compliance with the requirements of these rules, and such permits shall remain in effect and be enforceable under these rules until a superseding permit is effective.

11) Users shall comply with applicable National Categorical Pretreatment Standards ~~and requirements~~ on the date specified in the Federal Regulations regardless of compliance schedules.

Section II-1004. Administrative Enforcement Actions

The Control Authority shall initiate the appropriate administrative enforcement action, except in the case of an emergency or a flagrant violation, in order to compel the User to eliminate or to remedy such violation as soon as possible. These administrative enforcement actions include:

a) Notice of Violation - The Control Authority shall take care to enforce these rules and use reasonable efforts of on-site inspections, records review and independent authority monitoring, to identify violations of the rules. Except in the case of an actual or threatened discharge as specified in sub-paragraph (g) of this section, whenever the Control Authority has reason to believe that any User has violated or is violating these rules, whether as an individual event or pattern, the Control Authority shall serve a written notice upon such User, stating the nature of the violation including its date, time and place, and the action and/or response required from the User.

b) Issuance of Citation of Violation – The Control Authority is authorized to enforce these rules and issue a citation ticket to any person or User who is reasonably believed to have violated these rules. The following fines are authorized for inclusion with the citation:

			Within a Calendar Year (per violation)	
Violation Type	**Criteria**	**Event**	**First Violation**	**Succeeding Violation**
Reporting Violation	>45 days after specified due date	Any occurrence	$ 250.00	$ 500.00

Notification Violation	>24 hrs beyond specified time	Any occurrence	$ 100.00	$ 250.00
Effluent Violation	Pollutant parameter exceeds applicable TRC (See Article XII)	Daily Maximum	$ 100.00	$ 250.00
Effluent Violation	Pollutant parameter exceeds applicable TRC (See Article XII)	Monthly Average	$ 250.00	$ 500.00
Effluent Violation	Pollutant parameter exceeds applicable chronic criteria (See Article XII)	Daily Maximum	$ 250.00	$ 500.00
Effluent Violation	Pollutant parameter exceeds applicable chronic criteria (See Article XII)	Monthly Average	$ 500.00	$ 1,000.00
Effluent Violation	Stipulated penalty as part of administrative enforcement	Daily Maximum	$ 250.00	$ 500.00
Effluent Violation	Stipulated penalty as part of administrative enforcement	Monthly Average	$ 500.00	$ 1,000.00

The Citation shall be in writing and shall specify the date, time and violation alleged, signed by the Control Authority and be served on the Authorized Representative in person or by certified mail. The User may appeal any written citation under the reconsideration and appeal procedures of these rules.

c) Conferences - The Control Authority may order any person, who violates these rules, to attend a conference wherein the Control Authority may endeavor to establish a program wherein the User agrees to eliminate or remedy the violation pursuant to an enforceable compliance schedule. Any notice of violation ordering attendance to a conference, shall be served at least ten (10) days before the scheduled conference and shall set forth the date, time, and place thereof. The conference shall be conducted by the Control Authority or ~~their~~its designated representative. The User may present a plan and schedule for achieving compliance with these rules. Nothing contained herein shall require the Control Authority to accept or agree to any proposed plan or schedule, or to prevent the Control Authority from proceeding with a show cause hearing as set forth in subsection (4) of this section. If the attendees agree upon a compliance schedule, the User and the Control Authority may enter, by consent, into a compliance agreement or an administrative order setting forth the terms of such agreement. A User must exhibit good faith and expeditious efforts to comply with these rules and any procedures, requirements, and agreements hereunder.

d) Compliance schedules - The User and the Control Authority may agree upon a schedule which sets forth the terms and conditions, and time periods or schedules for completion of actions to remedy or to eliminate the causes of violation. These schedules may be developed as part of a conference compliance agreement, or administrative consent order. Schedules developed under this subsection shall adhere to

the following conditions:

1) The schedule shall contain increments of progress in the form of dates for the commencement and completion of major events leading to the construction and operation of upgraded or additional pretreatment facilities, or to the implementation of additional operation and maintenance procedures required for the User to meet the applicable pretreatment requirements and standards including, but not limited to, hiring an engineer, completing preliminary plans, completing final plans, executing contracts for major components, commencing construction, and completing construction;
2) No single increment referred to in subsection (1) of this section shall exceed nine (9) months;
3) Not later than fourteen (14) days following each date in the schedule and the final date for compliance, the User shall submit a progress report to the Control Authority including, at a minimum, whether it has complied with the increment of progress to be met on such date and, if not, the date which it expects to comply with this increment of progress, the reason(s) for delay, and the steps being taken by the User to return to the established schedule; and
4) Any deviation from the compliance schedule may result in the User being found in violation of these rules or being recommended for an escalated enforcement action.

e) Administrative orders - The Control Authority may order any User, who violates or continues to violate these rules or duly issued permit, to install and to properly operate devices, treatment facilities, or other related appurtenances. In addition, orders may contain such other requirements as might reasonably be necessary and appropriate to address the violation including the installation of pretreatment technology, additional self-monitoring and management practices, implementation of a waste minimization assessment to identify and implement feasible source reduction, and recycling practices to reduce the generation or release of pollutants at the facility. An order may be either an administrative consent order, which is the result of an agreement, or a unilateral administrative order.

f) Show cause hearing - Where a conference, compliance agreement or administrative order has not been effective in remedying the violation(s), or are deemed an inadequate response to an actual or threatened discharge to the POTW, the Control Authority may order any User who violates these rules or allows such violation to occur, to show cause why a proposed enforcement action should not be taken.

A notice shall be served upon the User specifying the time and place of a hearing regarding the violation, and the reason(s) why the show cause action and proposed enforcement action is being taken. The notice of the hearing shall be served personally, or by, registered or certified mail with return receipt requested, at least ten (10) days before the hearing. Service shall be made upon the Authorized Representative, or to its agent.

1) Hearing proceeding. The hearing shall be conducted by the Control Authority's Chief Compliance Officer or ~~their~~his/her designee, who shall serve as hearing officer and conduct the show cause hearing and take the evidence, and may:

i) Issue notices of hearing requesting the attendance and testimony of witnesses and the production of evidence relevant to any matter involved in such hearing.

ii) Prepare a report of the evidence and hearing, including transcripts and other evidence.

iii) Transcript. At any show cause hearing held pursuant to these rules, testimony shall be recorded by a court reporter.

2) Actions. After a show cause hearing has been conducted, the hearings officer shall issue an order directing any of the following actions:

i) A finding that the User has demonstrated by a preponderance of the evidence that the violation(s) contained within the show cause notice did not occur;

ii) A finding that the User has failed to demonstrate by a preponderance of the evidence that the violation(s) contained within the show cause notice did not occur, and that the following additional actions are required;

iii) Immediate compliance with the User's Wastewater discharge permit and/or control mechanism; or with any applicable limitation, condition, restriction or requirement of these rules, or applicable local, state or federal law or regulation;

iv) Pretreatment of wastes and Wastewater by installation of adequate treatment equipment, monitoring facilities, or proper operation and maintenance of existing treatment equipment be accomplished within a specified time period;

v) Submission of periodic reports on effluent quality and quantity determined by self-monitoring analysis throughout the final period set by a compliance date;

vi) Control of discharge quantities or volumes;

vii) Payment of costs for reasonable and necessary inspection, monitoring, and administration of the User's activities by the Control Authority during compliance efforts; and/or

viii) Any such other orders as are appropriate including, but not limited to, immediate termination of sewer or wastewater treatment services, revocation of a wastewater discharge permit, or orders directing that following a specified time period sewer or Wastewater treatment service will be discontinued unless adequate treatment facilities, devices, or operation and maintenance practices have been employed;

ix) The User may appeal the decision of the hearing officer in accordance with Chapter VIII.

g) Emergency suspensions and orders - The Control Authority may order suspension of the sewer or Wastewater treatment service and/or a wastewater discharge permit where, in its opinion, such suspension is necessary to stop any actual or threatened discharge which presents or may present an imminent or significant hazard to the health or welfare of persons or to the environment, interferes or may interfere with the POTW, or causes or may cause the ~~GLWA~~Control Authority to violate any condition of its NPDES permit. Any person notified of a suspension of the sewer or wastewater treatment service and/or the wastewater discharge permit shall immediately stop or eliminate the

contribution.

1) In the event the Control Authority provides verbal notification under this section, written confirmation providing a detailed written statement from the Control Authority and the basis of its findings in support of its order to suspend contributions by the User, within twenty-four (24) hours of such action, and include the specific recourse available to the User. In any event, the written confirmation order shall provide the User with an opportunity for a hearing before the Control Authority, or ~~their~~its designated representative, within ten (10) days of such action. The User shall submit a detailed written statement at the hearing describing the causes of the harmful contribution and the measures taken to prevent any future occurrence, or, if the hearing has been waived, a report describing the causes of the harmful contribution and the measures taken to prevent any future occurrence shall be provided to the Control Authority within fifteen (15) days of the written confirmation order. Upon proof of elimination of the noncomplying discharge, the Control Authority shall reinstate the Wastewater discharge permit and/or the sewer or Wastewater treatment service.

2) In the event of a failure of the person to comply voluntarily with any suspension or revocation order, the Control Authority shall take such judicial enforcement actions as deemed necessary, including immediate severance of the sewer connection or services, to prevent or minimize damage to the POTW system or danger to any individual or the environment.

3) Where the Control Authority has issued a show cause order, or hearing decision in paragraph (g)(~~i~~1) above, calling for the suspension of the sewer or Wastewater treatment service and/or a wastewater discharge permit, and where the Control Authority has not reinstated the wastewater discharge permit and/or the sewer or wastewater treatment service, the User may exercise the appeal provision in Chapter VIII. The Show Cause order and the hearing transcript and report shall substitute for the Reconsideration statement requirement of Chapter VIII of these rules.

Section II-1005. Judicial Enforcement Actions

Where administrative enforcement actions have been unable to eliminate or to remedy the violation(s) or where in the case of emergency or flagrant violation, the Control Authority determines that the enforcement action should be escalated to compel the User to eliminate or to remedy such violation as soon as possible, the following judicial enforcement actions are authorized:

a) Civil action: Whenever the Control Authority has reasonable grounds to believe that a User is violating, or has violated, a provision of its wastewater discharge permit, a pretreatment standard or requirement or any requirement of these rules, including the failure to pay any fee, fine, charge or surcharge imposed hereby, the Control Authority may commence a civil action to compel compliance in a court of competent jurisdiction to enjoin the User from discharging, and/or to obtain appropriate legal and/or equitable relief to remedy the violations and impose the fees, fines, charges and surcharges requested.

The commencement of a suit neither constitutes an exclusive election of remedies nor prohibits the Control Authority from commencing action in federal court for discharges believed to be in violation of these rules, state and federal requirements contained in the Clean Water Act, the NPDES permit, or other applicable laws or requirements. In addition, the Control Authority may recover the reasonable attorney fees, court costs, court reporters' fees, and other unusual expenses related to enforcement activities or litigation against the person found to have violated these rules, or the orders, rules, regulations and permits issued hereunder.

b) Criminal action:

1) Any User, who knowingly ~~make~~makes any false statement, representation of certification, is guilty of a misdemeanor, punishable by imprisonment for not more than ninety (90) days, or a fine of not more than $500.00, or both. Each violation constitutes a separate and distinct offense.

2) Any User, who knowingly tampers with or alters a monitoring device or process, causing inaccurate readings or results, is guilty of a misdemeanor, punishable by imprisonment for not more than ninety (90) days, or a fine of not more than $500.00, or both. Each violation constitutes a separate and distinct offense.

3) For all other violations of a rule or regulation adopted and promulgated herein, a User shall be punished by a civil fine not to exceed one thousand dollars ($1,000.00) for each violation per day.

4) The Control Authority is hereby authorized, through ~~it~~its general counsel, to seek prosecution of criminal charges against any person violating any provision of these rules.

c) Any fines, costs, and penalties which are imposed by any court of competent jurisdiction shall be payable to the ~~GLWA.~~Control Authority.

Section II-1006. Supplemental Enforcement Actions

a) Pollution Prevention Plans and Best Management Practice Plans. The ~~GLWA~~Control Authority may require a User to develop and implement pollution prevention plans or Best Management Practice Plans, designed to eliminate or reduce pollutant contributions beyond the levels required by these rules. Where required, the plans shall be incorporated into a modified or revised Wastewater discharge permit; and include a schedule for periodically reporting implementation progress and results for the plan(s).

b) Local Pollutant Discharge Limitations for Total PCB. In the event where one (1) or more of the measurements taken for Total PCB during a six (6) month period exceeds by any magnitude the method detection level of 0.2 ugms/l, the Control Authority may require a User to develop and implement Pollution prevention plan initiatives or a BMP, as part of its response to the exceedance. Upon acceptance of the Pollution prevention plan initiatives or BMP, the Control Authority will recognize continued performance under the Pollution prevention plan initiative or BMP as continued compliance.

Upon approval of the Control Authority, these Pollution prevention plan initiatives or BMPs, shall be made an enforceable part of the Wastewater discharge permit.

c) Local Pollutant Discharge Limitations for Mercury (Hg). In the event where one (1) or more of the measurements taken for Hg during a six (6) month period exceeds by any magnitude the limitation of 10 ugms/l, the Control Authority may require a User to develop and implement Pollution prevention initiatives or a BMP, as part of its response to the exceedance. Upon acceptance of the Pollution prevention plan initiatives or BMP, the Control Authority will recognize continued performance under the Pollution prevention plan initiatives or BMP as continued compliance. Upon approval of the Control Authority, these Pollution prevention plan initiatives or BMPs, shall be made an enforceable part of the Wastewater discharge permit.

d) PFAS Compounds:

1) General Requirement: Any User who manufactured PFAS Compounds; previously used, currently uses, or plans to use materials containing PFAS Compounds; and who has a discharge of wastes and Wastewaters to the POTW, shall be required to develop, submit and implement plans for the reduction and elimination of the PFAS Compounds.

i) Plans shall be submitted to the Control Authority and shall include, but not limited to, monitoring, treatment, product substitutions, BMP or other management protocols, that the User will implement.

(1) For existing Users, these plans shall be submitted to the Control Authority within ninety (90) days of the effective date of these rules;

(2) For Users initiating discharge after the effective date of these rules, these plans shall be submitted to the Control Authority within ninety (90) days of the commencement of discharge to the POTW.

(3) Any monitoring program shall be conducted in accordance with sample collection methods defined by the EGLE or USEPA and analyzed in accordance with 40 CFR 136 or other approved methods recognized by the State of Michigan; or where USEPA or the State of Michigan has not established sample collection methods or approved analytical methods in 40 CFR 136, the methods shall be specified by GLWA.

ii) The Control Authority may require any User to conduct discharge monitoring; or the development and implementation of additional source reduction, control and elimination actions for PFAS Compound through a Wastewater discharge permit or equivalent control mechanism.

iii) This paragraph shall not apply to facilities classified as a Centralized Waste Treatment Facility or any active/inactive landfill.

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 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:

i) The PFAS Compound Program must describe the method(s) and procedures used for screening and monitoring program for PFAS Compounds that may be present in any wastes or Wastewaters received for treatment or disposal.

(a) Any monitoring program shall be conducted in accordance with sample collection methods defined by the EGLE or USEPA and analyzed in accordance with 40 CFR 136 or other approved methods recognized by the State of Michigan; or where USEPA or the State of Michigan has not established sample collection methods or approved analytical methods in 40 CFR 136, the methods shall be specified by GLWA.

(b) The screening and monitoring program shall include a protocol for notifying the Control Authority when wastes and Wastewaters containing PFAS Compounds are identified;

(c) All results and information from the screening and monitoring program shall be available to the Control Authority and copies of such information shall be made available upon written request.

ii) The PFAS Compound Program must describe the waste and Wastewater treatment or disposal protocols and practices used, and any disposal and/or treatment technologies used to remove and/or treat wastes and Wastewaters containing PFAS Compounds.

(a) This information shall be supported by technical documentation defining the effectiveness of such treatment protocols and/or practices used, including the removal efficiency based on mass loadings (lbs) of PFAS Compounds before and after treatment, and account for dilution effects resulting from the combination of other waste streams, if applicable. Such demonstration may be made through bench-scale testing or site-specific data. Where site-specific data is used, a minimum of one (1) week of data must be collected.

(b) The facility shall assess or re-assess, the removal efficiency of its operations for PFAS Compounds at least annually;

iii) The PFAS Compound Program must describe a self-monitoring program acceptable to the

Control Authority. This self-monitoring program shall include the discharge to the POTW and may include samples within the treatment process. The self-monitoring program shall identify the sampling protocols and methods of analysis used, and the authority for such methods or analysis (if other than the State of Michigan or USEPA).

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.

v) The PFAS Compound Program may include BMP or other management protocols that will be used to control, reduce or eliminate PFAS Compounds from their discharge. Where a User develops BMP or other management protocols, it may submit such plans to the Control Authority for acceptance and incorporation into the facility's Wastewater discharge permit.

vi) The requirements of subparagraphs (i) – (v) shall be submitted as a Material and Substantial change and request for Permit Modification within ninety (90) days of the effective date of these rules or ninety (90) days from the commencement of discharge.

vii) The Control Authority may require any Centralized Waste Treatment Facility or an active/inactive landfill to conduct discharge monitoring; or to develop a PFAS Compound Program; or the development and implementation of additional source reduction, control and elimination actions for PFAS Compound through a Wastewater discharge permit or equivalent control mechanism.

Following acceptance of the facility's PFAS Compound Program, the Control Authority shall review and incorporate its PFAS Compound Program into a Wastewater discharge permit or equivalent control mechanism, as an enforceable part of the permit.

3) Perflourochemical Fire-fighting Foams and Agents – Any user who stores or uses Firefighting foams using Perflourochemicals with a carbon chain of 6 or more, shall develop and implement the following plans:

i) Specific reference and controls for contained in a spill/Slug control plan and submit this to the Control Authority. Such plans shall be reviewed and updated as necessary but shall not exceed three (3) years.

ii) Training Operations and Exercises – Plans for the proper use and storage and use of firefighting foams during the exercise and shall employ best environmental and public health practices for the use of Perflourochemicals Fire-fighting Foams and Agents in training including but not limited to containment, and proper disposal.

iii) Fire or Emergency Events – Provide notice to the POTW within forty-eight (48) hours of a Fire or other emergency event where Perflourochemical Fire-fighting Foams and Agents were used including:

(1) Purpose for use of foam or agent;

(2) Physical address where foam or agent was used;

(3) Actual or estimated quantities of foam or agent concentrate used and quantity of water used to produce foam

(4) Name(s) of water bodies potentially affected by foam and agent or other firewater to storm or combined sewer

(5) Practices employed for cleanup and disposal of materials contaminated by the foam or firewater.

iv) A BMP or other management program shall be established and implemented for the collection and disposal of Perflourochemical Fire-fighting Foams and Agents with a carbon chain of six or greater. The plan shall include any efforts to identify alternative products.

v) Any monitoring program shall be conducted in accordance with sample collection methods defined by the EGLE or USEPA and analyzed in accordance with 40 CFR 136 or other approved methods recognized by the State of Michigan; or where USEPA or the State of Michigan has not established sample collection methods or approved analytical methods in 40 CFR 136, the methods shall be specified by GLWA.

Copies of these plans shall be submitted to the Control Authority within ninety (90) days of the effective date of these rules.

4) The GLWA may assign any User who has previously used or received, or will use or receive PFAS Compounds, to a User Class for reimbursement of costs incurred by GLWA to monitor and enforce this requirement, and for which the Board determines costs should be assigned.

5) The GLWA reserves the right to take enforcement action for any violations as described in Section II-1003, and as described in Sections II-1004 and II-1005.

f) The Control Authority may require any User to implement Pollution prevention plan initiatives, or BMP, as part of an enforcement response, or as necessary to comply with its NPDES permit.

g) A User may seek to terminate a BMP when it has demonstrated compliance for a twelve (12) month period supported by a minimum of four (4) analytical test results and a report describing the management and operating procedures used to support the compliance status. Upon acceptance of this demonstration of compliance, the User shall be relieved of this implementation requirement.

Section II-1007. Remedies Nonexclusive

The remedies provided for in these rules are not exclusive. Enforcement of pretreatment violations will generally be in accordance with the ~~GLWA's~~Control Authority's enforcement response plan. However,

the Control Authority may take other action against any User when the circumstances warrant. Further, the Control Authority is empowered to take more than one enforcement action against any noncompliant User.

Article XI AFFIRMATIVE DEFENSES TO DISCHARGE VIOLATIONS

Section II-1101. Upsets.

An upset shall constitute an affirmative defense to an action brought for noncompliance with National Categorical Pretreatment Standards ~~and/or Local Pollutant Discharge Limitations~~ where the requirements of subsection (a) of this section are met.

a) An Industrial User who wishes to establish an upset as an applicable affirmative defense shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence, that:

1) An upset occurred and the Industrial User can identify the cause(s) of the upset;

i. At the time, the facility was being operated in a prudent and workmanlike manner and in compliance with applicable operation and maintenance procedures;

ii. The Industrial User has submitted the following information to the Control Authority, orally or in writing, within twenty-four (24) hours of becoming aware of the upset and, where this information is provided orally, a written submission must then be provided within five (5) days:

(a) A description of the discharge and cause of noncompliance;

(b) The period of noncompliance including exact dates and times or, if not corrected, the anticipated time the noncompliance is expected to continue; and

(c) Steps being taken and/or planned to reduce, eliminate and prevent recurrence of the noncompliance.

2) In any enforcement proceeding, the Industrial User seeking to establish the occurrence of an upset shall have the burden of proof;

3) The Industrial User shall control production of all discharges to the extent necessary to maintain compliance with these rules upon reduction, loss, or failure of its treatment facility until the facility is restored or an alternative method of treatment is provided. This requirement applies in the situation where, among other things, the primary source of power of the treatment facility is reduced, lost or fails.

Section II-1102. Bypass.

A bypass includes any intentional diversion of a waste stream from any portion of an Industrial User's treatment facility. A bypass shall constitute an affirmative defense to an action brought for noncompliance with national categorical pretreatment standards and/or local pollutant discharge limitations where the requirements of subsection (a) of this section are met.

a) The affirmative defense of bypass may be claimed where:

1) The bypass is for essential maintenance to ensure efficient operation of the treatment system and does not cause a violation of pretreatment standards or requirements;
2) The bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;
3) There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated waste, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate backup equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventative maintenance; and
4) The Industrial User properly notified the Control Authority as described in subsection (2) of this section.

b) Notice of Bypass Event. An Industrial User shall have properly notified the Control Authority as follows:
1) Anticipated bypass. Any Industrial User anticipating a bypass shall submit notice to the Control Authority at least ten (10) days in advance of the anticipated date.
2) Unanticipated bypass. The Industrial User shall submit oral notice of an unanticipated bypass that exceeds applicable pretreatment standards within twenty-four (24) hours from the time the Industrial User becomes, or should have become, aware of the bypass.
3) For any bypass event, a written submission shall be provided to the Control Authority within five (5) days of the time the Industrial User becomes, or in the case of an unanticipated bypass, should have become aware of the bypass. The written submission shall contain a description of the bypass including exact dates and times, and if the bypass has not been corrected or the anticipated time it is expected to continue; and the steps taken or planned to reduce, eliminate and prevent reoccurrence of the bypass.

c) Bypass approval. Where it meets all conditions in subsections (1) and (2) of this section, the Control Authority shall recognize the affirmative defense. However, the Industrial User may still be held liable for costs and fees incurred by the Control Authority as a result of the bypass, including treatment costs, charges and surcharges.

Article XII PUBLICATION OF INDUSTRIAL USERS IN SIGNIFICANT NONCOMPLIANCE

Section II-1201. Public notification of significant noncompliance.

The Control Authority shall publish in the largest daily newspaper published in the jurisdictional limits of the ~~GLWA~~Control Authority, a list of all Users which, at any time during the previous twelve (12) months, were in significant noncompliance with applicable pretreatment standards and requirements.

Section II-1202. Significant Noncompliance Criteria. ~~A User is in significant noncompliance when one (1) or more of the following criteria are met:~~

A Significant Industrial User (or any Industrial User which violates paragraphs (c), (d), or (h) of this section) is in significant noncompliance if its violation meets one or more of the following criteria:

a) Chronic violations of wastewater Discharge limits, defined here as those in which ~~sixty-six (66%)~~ percent or more of all of the measurements taken for the same pollutant parameter during a ~~six (6)~~ -month period exceed (by any magnitude ~~the daily maximum limit or the average limit for the same parameter;~~) a numeric Pretreatment Standard or Requirement, including instantaneous limits, as defined by 40 CFR 403.3(l);

b) Technical Review Criteria (TRC) violations, defined here as those in which ~~thirty-three (33%)~~ percent or more of all of the measurements taken for ~~each~~the same pollutant parameter ~~taken~~ during a ~~six (6)~~ -month period equal ~~to~~ or exceed the product of the ~~daily maximum limit or the average limit~~numeric Pretreatment Standard or Requirement including instantaneous limits, as defined by 40 CFR 403.3(l) multiplied by the applicable TRC (TRC ~~=~~ =1.4 for BOD, TSS, ~~FOG (~~fats, oil, and grease~~),~~ and 1.2 for all other pollutants except pH~~).~~);

~~1) The pH TRC criteria shall be based upon thirty-three (33%) percent or more of the measurements being either <4.6 pH units or exceeding 11.9 pH units~~

c) Any other violation of a Pretreatment ~~effluent limit~~Standard or Requirement as defined by 40 CFR 403.3(l) (daily maximum ~~or longer~~ , long-term average, instantaneous limit, or narrative Standard) that the ~~Control Authority~~POTW determines has caused, alone or in combination with other Discharges, Interference or Pass Through (including endangering the health of POTW personnel or the general public~~;~~);

d) Any discharge of a pollutant that has caused imminent endangerment to human health ~~or~~, welfare~~,~~ or to the environment~~,~~ or has resulted in the ~~POTW's~~POTW's exercise of its emergency authority~~;~~ under paragraph (f)(1)(vi)(B) of this section to halt or prevent such a discharge;

e) Failure to meet, within 90 days after the schedule date, a compliance schedule milestone contained in a local control mechanism~~,~~ or enforcement order for starting construction, completing construction, or attaining final compliance ~~within ninety (90) days after the scheduled date;~~;

f) Failure to provide, within 30 days after the due date, required reports such as baseline monitoring reports, ~~ninety (~~90~~)~~ -day compliance reports, periodic self-monitoring reports, and reports on compliance with compliance schedules ~~within forty-five (45) days after the due date;~~ ;

g) Failure to accurately report noncompliance; ~~or~~

h) Any other violation or group of violations, which may include a violation of Best Management Practices, which the ~~Control Authority~~POTW determines will adversely affect the operation or implementation of the local Pretreatment program.

Section II-1203. Publication Process.

Any User who is identified for publication as being in Significant Noncompliance shall be notified in writing at least thirty (30) days before the proposed publication; provided with a copy of the proposed notice to be published; the proposed time frame for the publication; and allowed an opportunity to comment. The Control Authority shall incorporate any comments with the proposed publication, or incorporate any comments with a revised publication, but may exercise its discretion to summarize any comments where space or word count is deemed excessive. In addition, the ~~GLWA~~Control Authority may place this information on its web page at www.glwater.org.

Article XIII FEES AND CHARGES

Fees and charges may be established by the Board to meet the costs of the operation, maintenance, improvement or replacement of the system and regulatory programs, or as provided by law or by Board action. The specific fees and charges are discussed more fully in Chapter V of these rules.

Article XIV APPEAL PROCEDURES

The decisions and actions taken by the Industrial Waste Control Group and the Control Authority affecting the administration, implementation, and enforcement of the industrial pretreatment program requirements are subject to review through a two-step appeal process. Although the majority of disputes are resolved through open communication, there may be a point where a User seeks to formalize their objection(s) and seek administrative review. The appeal procedures recognized under these rules are described in Chapter VIII.

Article XV STATUTES, LAWS AND REGULATIONS

Section II-1501. Unless otherwise provided, any reference in these rules to a code, standard, rule, regulation, or law enacted, adopted, established, or promulgated by any government or private organization, or by any element or organization of government other than the ~~GLWA~~Control Authority shall be construed to apply to such code, standard, rule, regulation, or law in effect or as amended or promulgated, from the date of enactment of these rules.

Section II-1502. The National Categorical Pretreatment Standards defined in 40 CFR Chapter I, Subchapter N, Parts 405-471, shall be and are incorporated by reference herein and made a part hereof.

Section II-1503. The Board may amend these rules or adopt additional rules necessary and proper for

carrying out the conditions and intent of these rules.

Section II-1504. Nothing in these rules shall be deemed to limit the ~~GLWA, Board, or~~ Control Authority from developing explanatory policies, guidance, or opinions to carry out the terms of the industrial pretreatment program which is not in conflict or otherwise prohibited by these rules.

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Appendix A – National Categorical Pretreatment Standards (NCPS) Categories

NCPS Category	CFR Reference	NCPS Category	CFR Reference
Aluminum Forming	40 CFR Part 467	Meat Products	40 CFR Part 432
Asbestos Manufacturing	40 CFR Part 427	Metal Finishing	40 CFR Part 433
Battery Manufacturing	40 CFR Part 461	Metal Molding and Casting	40 CFR Part 464
Builder's Paper and Board Mills	40 CFR Part 431	Metal Products and Machinery	40 CFR Part 438
Canned and Preserved Fruits and Vegetables	40 CFR Part 407	Mineral Mining and Processing	40 CFR Part 436
Canned and Preserved Seafood Processing	40 CFR Part 408	Nonferrous Metals Forming	40 CFR Part 471
Carbon Black Manufacturing	40 CFR Part 458	Nonferrous Metals Manufacturing I	40 CFR Part 421
Cement Manufacturing	40 CFR Part 411	Nonferrous Metals Manufacturing II	40 CFR Part 421
Centralized Waste Treatment	40 CFR Part 437	Ore Mining and Dressing	40 CFR Part 440
Coal Mining	40 CFR Part 434	Organic Chemicals, Plastics, and Synthetic Fibers	40 CFR Part 414
Coil Coating	40 CFR Part 465	Paint Formulating	40 CFR Part 446
Copper Forming	40 CFR Part 468	Paving and Roofing Materials	40 CFR Part 443
Dairy Products Processing	40 CFR Part 405	Pesticide Chemicals	40 CFR Part 455
Dental Office (Mercury Amalgam)	40 CFR Part 441	Petroleum Refining	40 CFR Part 419
Electrical and Electronic Components I & and; II	40 CFR Part 469	Pharmaceutical	40 CFR Part 439
Electroplating	40 CFR Part 413	Phosphate Manufacturing	40 CFR Part 422
Explosives Manufacturing	40 CFR Part 457	Photographic	40 CFR Part 459
Feed Lots	40 CFR Part 412	Plastics Molding and Forming	40 CFR Part 463
Ferroalloy Manufacturing	40 CFR Part 424	Porcelain Enameling	40 CFR Part 466
Fertilizer Manufacturing	40 CFR Part 418	Pulp, Paper, and Paperboard	40 CFR Part 430 and 431
Glass Manufacturing	40 CFR Part 426	Rubber Manufacturing	40 CFR Part 428
Grain Mills	40 CFR Part 406	Soap and Detergent Manufacturing	40 CFR Part 417
Gum and Wood Chemicals Manufacturing	40 CFR Part 454	Steam Electric	40 CFR Part 423
Hospital	40 CFR Part 460	Sugar Processing	40 CFR Part 409
Ink Formulating	40 CFR Part 447	Textile Mills	40 CFR Part 410
Inorganic Chemicals Manufacture (I & and II)	40 CFR Part 415	Timber products	40 CFR Part 429
Iron and Steel	40 CFR Part 420	Transportation Equipment Cleaning	40 CFR Part 442
Landfills	40 CFR Part 445	Waste Combustors	40 CFR Part 444
Leather Tanning & finishing	40 CFR Part 425		

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CHAPTER III: SURCHARGE PROGRAM FOR HIGH-STRENGTH WASTEWATER DISCHARGES

~~The GLWA Wastewater Treatment Plant~~The Control Authority's POTW receives Wastewater from residential, commercial and industrial sources for treatment and discharge under its NPDES Permit MI0022802. The sewer charge rate charged to ~~GLWA~~ Member Communities is based upon the Domestic Strength of sewage. A Surcharge program for High Strength Wastewater discharges has been established to capture the additional treatment and operations costs incurred for Wastewater conveying additional pollutants to the ~~GLWA Wastewater Treatment Plant~~Control Authority's POTW for specific Users.

The purpose of these rules are to establish an orderly and fair system whereby the operations, maintenance, and replacement costs incurred by the ~~GLWA~~Control Authority in treating and disposing of the sewage, Industrial Wastes, and other wastes generated by each User is charged to that User for ~~his or her~~its use of the ~~sewage collection and treatment facilities of the GLWA~~Control Authority's POTW, as required by the Federal Water Pollution Control Act Amendments of 1972 and the Clean Water Act of 1977 (33 U.S.C. 1251-1387) and the rules of the ~~United States Environmental Protection Agency~~USEPA, promulgated pursuant thereto.

These rules are promulgated pursuant to the statutory authority contained in Act No. 233, Public Acts of Michigan, 1955, as amended ("Act 233").

Article I Domestic Strength of Sewage

The ~~GLWA Board~~Control Authority has established the following Domestic Strength levels for wastewater discharged to the ~~GLWA system~~POTW.

Domestic Strength Levels	
Biochemical Oxygen Demand (BOD)	275 mg/l
Fats, Oils & Grease	100 mg/l
Phosphorus (P)	12 mg/l
Total Suspended Solids (TSS)	350 mg/l

Article II: High Strength Wastewater Sources

Section III-201. Applicability: Domestic Sources

Domestic Sources shall not be subject to a surcharge for High Strength Wastewater where a property is used for the exclusive purpose of a residential dwelling, including but not limited to single or multi-family units or apartments.

Section III-202. Applicability: ~~Industrial~~ Users

~~Industrial~~ Users and any source who does not qualify as a Domestic Source under section III-201 of these rules, are subject to the Surcharge program for High Strength Wastewater sources, as follows:

a) ~~Industrial~~ Users, who as of the date of adoption of these rules have been previously assigned Pollutant Strength Levels (or "Surcharge basis") by the Detroit Water and Sewerage Department, or the GLWA, shall retain these Pollutant Strength Levels, until changed under Article IV;

b) All other ~~Industrial~~ Users will be assigned the Pollutant Strength basis equivalent to the Domestic Strength Levels of Article I, until changed under Article IV.

Article III. Surcharge and Surcharge Formula

Section III-301. Domestic Strength Levels.

As part of the annual rate-making process, a surcharge fee will be established for each pollutant included in the Article I Domestic Strength Level, which reflects the actual cost of treating the pollutant by the ~~GLWA Wastewater Treatment Plant.~~Control Authority. The Control Authority, through the Board, shall approve the Surcharge Rates as part of its annual Rate-making process.

Section III-302. Surcharge Fee Calculation.

The Surcharge fee will be calculated for each ~~Industrial~~ User in accordance with the following formula:

Total Surcharge Fee =

0.0624 x Volume x [a (BOD-275) + b (TSS-350) + c (P – 12) + d (FOG–100)]

Where the terms constituting the total surcharge fee shall have the following meaning:

TERM	Description	Units of Measurement
0.0624	Conversion factor	
Volume	Volume of Wastewater Discharged for a billing period	Thousand Cubic Feet (Mcf)
BOD	BOD Strength Level	Milligrams/liter (mg/l)
TSS	TSS Strength Level	Milligrams/liter (mg/l)
P	Phosphorus Strength Level	Milligrams/liter (mg/l)
FOG	The Fats, Oils & Grease Strength Level	Milligrams/liter (mg/l)
a,b,c,d	The Surcharge Rate	$ per pound

Note: Where the difference between the pollutant strength level and domestic strength level is less than zero (0), the difference shall be deemed zero (0).

Article IV Determination of Pollutant Strength Levels of High Strength Wastewater

Following the adoption of these rules, the Pollutant Strength Levels of High Strength Wastewater may be established or revised in accordance with any of the following methods. The Control Authority or

~~Industrial~~ User shall not seek to revise the Pollutant Strength Levels of High Strength Wastewater more frequently than every 12-months.

Section III-401. Pollutant Strength Levels from Historical Data Records

An ~~Industrial~~ User, or the ~~GLWA~~Control Authority, may use historical data to establish or revise its Pollutant Strength Levels. The Pollutant Strength Level will be determined using a numerical average of the self-monitoring and Control Authority monitoring data for the surcharge pollutant parameters that have been collected in a 12-month period.

a) ~~Industrial~~ User Initiated use of Historical Data

   1) Where the ~~Industrial~~ User performs this calculation, it shall complete a Waste Strength Determination Form and provide it to the Control Authority, with all supporting data and calculations.

   2) No data shall be excluded from the above calculation unless the ~~Industrial~~ User or ~~GLWA~~the Control Authority can demonstrate that the data is non-representative of the facility's discharge and actual operations.

   3) Within fifteen (15) days of receiving the report, the Control Authority will review all data and the ~~Industrial~~ User's detailed report and accept or reject the report. If rejected, the Control Authority will provide the reasons for rejection in writing. If not rejected, the new values shall be applied to the next billing cycle following receipt of the ~~Industrial~~ User information.

b) ~~GLWA~~Control Authority use of Historical Data

   1) Where the ~~GLWA~~Control Authority performs this calculation, it shall notify the ~~Industrial~~ User in writing of the calculated Pollutant Strength Levels. The ~~Industrial~~ User has thirty (30) days to file a waste strength determination form and propose a Sample Test (see Section III-402), and unless rejected, the results shall be used for billing purposes.

Section III-402. Pollutant Strength Levels from Sample Test Period Data

a) ~~An Industrial~~A User may, on its own initiative, or upon receipt of written notice under section II-401(2) above, file a waste strength determination form and propose a sample test and sampling plan. The sampling plan shall be based upon a 5-day, 6-day or 7-day operating week for all ~~surcharge pollutant~~Pollutant Surcharge parameters.

   1) The sampling plan must be provided in writing to the Control Authority no less than fourteen (14) calendar days prior to commencement of the sampling program;

   2) The sampling plan must include the following:

      i) Locations of sampling

      ii) Method(s) of sampling at each location

      iii) Date(s) of sampling

iv) Measurement or determination of volume of Wastewater discharged during the testing period

v) Sample collection for all ~~Surcharge~~ Pollutants Surcharge (BOD, FOG, P, and TSS).

b) The sampling plan shall be submitted to the Industrial Waste Control Group by one of the following methods:

1) U.S. mail addressed to the Industrial Waste Control Group;

2) Facsimile transmission sent to 313-297-5860; or

3) PDF sent via electronic mail to IWC@GLWATER.org.

c) These submittals shall be considered "not received" if deficient or incomplete, including for any of the following reasons:

1) The sampling plan has not been signed and dated by the ~~Industrial~~ User.

2) The ~~Industrial~~ User has failed to enclose all supporting documents necessary to aid in the Control Authority's review of the sampling plan.

d) The ~~Industrial~~ User shall be authorized to implement the Sampling Plan unless it receives a written notice from the Control Authority specifying whether the sampling plan is deficient or incomplete.

e) The Control Authority shall have the right to observe the ~~Industrial~~ User's sampling techniques, sample preservation, flow measurements, and other sampling protocols during the sampling program.

f) Within sixty (60) calendar days of completion of the sampling plan, the ~~Industrial~~ User shall forward the findings and supporting documentation to the Control Authority; including field sample collection logs/notes, chain of custody reports, certified laboratory reports, daily incoming meter readings, daily direct discharge meter readings, and any other supporting documentation.

1) If the ~~Industrial~~ User fails to notify the Control Authority prior to the sampling or fails to submit the report within the sixty (60) day period the use of the ~~Industrial~~ User's data for purposes of ~~Industrial~~ User charge calculation will be rejected, and the findings will not be allowed.

2) The ~~Industrial~~ User shall provide a calculation of the numerical average for each Pollutant Surcharge ~~Pollutant~~ which shall be applied as the Pollutant Strength Level for purposes of billing.

3) If an ~~Industrial~~ User considers any self-monitoring data inappropriate for inclusion in calculating its ~~Industrial~~ User charges, the ~~Industrial~~ User must submit such data with its Report, together with a written report detailing the basis for the ~~Industrial~~ User's assessment that such data were not representative for purposes of inclusion when calculating its ~~Industrial~~ User charges. The Control Authority will accept or reject the inclusion or exclusion of the data.

4) Within fifteen (15) days of receiving the report, the Control Authority will review all data and the ~~Industrial~~ User's detailed report and accept or reject the report. If rejected, the Control Authority will provide the reasons for rejection in writing. If not rejected, the new values shall be applied to the next billing cycle following receipt of the ~~Industrial~~ User information.

Section III-403. Pollutant Strength Levels Using Table Values.

The ~~GLWA~~Control Authority has adopted Table A to assign average Pollutant Strength Levels for commercial or industrial groups performing operations known to produce High Strength Wastewater.

a) A ~~Industrial~~ User who performs a commercial or industrial activity identified in Table A based upon (i) the Standard Industrial Classification Code (SIC); and/or (ii) North American Industrial Classification System (NAICS); or (iii) consistent with the Description of an SIC or NAICS code shall be subject to the applicable Surcharge for the High Strength Wastewater.

b) The Control Authority will notify the ~~Industrial~~ User in writing of their classification, and the assignment of the average Pollutant Strength Levels as described in Table A. The new values shall be applied to the next billing cycle unless the ~~Industrial~~ User files a waste strength determination form and performs the sample test in accordance with Section III-402 within thirty (30) days of receiving the written notice.

c) Where the ~~Industrial~~ User files a waste strength determination form under Section III-403, the Control Authority will evaluate and process it in accordance with Section III-402.

   1) If the waste strength determination form is accepted, the new values shall be applied to the next billing cycle following receipt of the ~~Industrial~~ User information.

   2) If the waste strength determination form is rejected, the Table A values shall be applied to the ~~Industrial~~ User until an acceptable pollutant strength test is performed.

d) An ~~Industrial~~ User who does not have an existing monitoring location and discharges less than 25,000 gallons of wastewater per day may elect to use the values specified in Table A in lieu of performing self-monitoring. The election shall be in writing.

Section III-404. ~~GLWA~~Control Authority Test Data

a) The ~~GLWA~~Control Authority may, on its own initiative, conduct sampling at ~~an Industrial~~a User location, to establish the actual Pollutant Strength Level of an ~~Industrial~~ User's wastewater. Where this action is taken, the sampling shall be based upon a 5-day, 6-day or 7-day operating week, applicable to the ~~Industrial~~ User, for all ~~surcharge pollutant~~Pollutant Surcharge parameters. The Control Authority shall review the results of the sampling program and determine whether a revision of the Pollutant Strength Levels is required. Upon such determination, the Control Authority will notify the ~~Industrial~~ User in writing.

b) The new values shall be applied to the next billing cycle unless the ~~Industrial~~ User files a waste strength determination form and performs the sample test in accordance with Section II-402 within thirty (30) days of receiving the written notice.

c) Where the ~~Industrial~~ User files a waste strength determination form under Section III-404, the Control Authority will evaluate and process it in accordance with Section III-402.

1) If the waste strength determination form is accepted, the new values shall be applied to the next billing cycle following receipt of the ~~Industrial~~ User information.
2) If the waste strength determination form is rejected, the Control Authority's findings will be applied to the ~~Industrial~~ User until an acceptable pollutant strength test is performed.

Section III-405. Periodic Review of ~~Industrial~~ User and ~~GLWA~~Control Authority Sampling Data

The Control Authority shall periodically review the ~~Industrial~~ User's self-monitoring data and its own sampling data, to assess whether a change or revision in the Pollutant Strength Levels is warranted. The ~~GLWA~~Control Authority shall provide written notice to the ~~Industrial~~ User where these findings determine a revision of the Pollutant Strength Levels is warranted.

Section III-406. Sampling and Analytical Methods

The measurement and determination of the Pollutant Strength Levels shall be in accordance with 40 CFR 136 and the latest edition of Standard Methods for the Examination of Water and Wastewater, published jointly by The American Public Health Association, The American Water Works Association, and the Water Environment Federation.

Article V. Appeal

Section III-501. The decisions and actions taken by the Industrial Waste Control Group and the Control Authority affecting the administration, implementation, and enforcement of the Surcharge of High Strength Wastewater program are subject to review through a two-step appeal process. Although the majority of disputes are resolved through open communication, there may be a point where ~~an Industrial~~a User seeks to formalize their objection(s) and seek administrative review. The Appeal procedures recognized under these rules are described in Chapter VIII.

SIC Number	SIC Description	NAICS Number	NAICS Description	BOD	TSS	Phosphorus	FOG
				* Signifies Domestic Strength Level			
2011	Meat Packing Plants	311611	Animal (except Poultry) Slaughtering	1200	800	*	400
2013	Sausages & Other Prepared Meat Products	311612	Meat Processed from Carcasses	800	700	*	150
		311613	Rendering and Meat Byproduct Processing				
2022	Natural, Processed, and Imitation Cheese	311513	Cheese Manufacturing	2000	500	50	*
2023	Dry, Condensed, and Evaporated Dairy Products	311511	Fluid Milk Manufacturing	1000	500	20	*
		311514	Dry, Condensed, and Evaporated Dairy Product Manufacturing				
2024	Ice Cream and frozen Desserts	311520	Ice Cream and Frozen Dessert Manufacturing	*	*	25	*
2026	Fluid Milk	311511	Fluid Milk Manufacturing	1100	500	*	500
		311514	Dry, Condensed, and Evaporated Dairy Product Manufacturing				
2035	Pickled Fruits and Vegetables, Vegetable Sauces and Seasonings, and Salad Dressings	311421	Fruit and Vegetable Canning	1000	500	*	*
		311941	Mayonnaise, Dressing and Other Prepared Sauce Manufacturing				
2037	Frozen Fruits, Fruit Juices, and Vegetables	311411	Frozen Fruit, Juice, and Vegetable Manufacturing	1000	500	*	*
2038	Frozen Specialties, Not Elsewhere Classified	311412	Frozen Specialty Food Manufacturing	1000	500	*	*
2041	Flour and other Grain Mill Products	311211	Flour Milling	1600	*	*	*
2043	Cereal Breakfast Foods	311230	Breakfast Cereal Manufacturing	1600	*	*	*
		311920	Coffee and Tea Manufacturing				

SIC Number	SIC Description	NAICS Number	NAICS Description	BOD	TSS	Phosphorus	FOG
				* Signifies Domestic Strength Level			
2044	Rice Milling	311212	Rice Milling	1600	*	*	*
				~~* Signifies Domestic Strength Level~~			
2045	Prepared Flour Mixes and Doughs	311824	Dry Pasta, Dough, and Flour Mixes Manufacturing from Purchased Flour	1600	*	*	*
2046	Wet Corn Milling	311221	Wet Corn Milling	1600	*	*	*
		311225	Fats and Oils Refining and Blending	1600	*	*	*
2047	Dog and Cat Food	311111	Dog and Cat Food Manufacturing	1600	*	*	*
2048	Prepared Feed and Feed Ingredients for Animals and Fowl, except Dogs & Cats	311119	Other Animal Food Manufacturing	1600	*	*	*
2051	Bread and other Bakery products, except Cookies and Crackers	311822	Commercial Bakeries	3800	1100	*	260
2052	Cookies and Crackers	311822	Commercial Bakeries	800	*	*	*
		311821	Cookie and Cracker Manufacturing				
		311919	Other Snack Food Manufacturing				
2053	Frozen Bakery Products, except Bread	311813	Frozen Cakes, Pies, and Other Pastries Manufacturing	800	*	*	*
2076	Vegetable Oil Mills, except Corn, Cottonseed, and Soybean	311224	Soybean and other Oilseed Products	650	2000	*	500
		311225	Fats and Oils Refining and Blending				
2077	Animal and Marine Fats and Oils	311613	Rendering and Meat Byproduct Processing				
		311710	Seafood Product Preparation and Packaging				

SIC Number	SIC Description	NAICS Number	NAICS Description	BOD	TSS	Phosphorus	FOG
				* Signifies Domestic Strength Level			
2079	Shortening, Table Oils, Margarine, and Other Edible Fats and Oils, Not elsewhere classified	311224	Soybean and other Oilseed Products	1000	*	*	200
		311225	Fats and Oils Refining and Blending				
				~~* Signifies Domestic Strength Level~~			
2082	Malt Beverages	312120	Breweries	1400	600	*	*
2086	Soft Drinks	312111	Soft Drink Manufacturing	600	*	*	*
		312112	Bottled Water Manufacturing				
2090	**Miscellaneous Food Products**			1000	500	*	150
2091	Canned and Cured Fish and Seafoods	311710	Seafood Products Preparation and Packaging				
2092	Prepared Fresh or Frozen Fish and Seafoods	311710	Seafood Products Preparation and Packaging				
2095	Roasted Coffee	311920	Coffee and Tea Manufacturing				
2096	Potato Chips, Corn Chips, and Similar Snacks	311919	Other Snack Food Manufacturing				
2097	Manufactured Ice	312113	Ice Manufacturing				
2098	Macaroni, Spaghetti, Vermicelli and Noodles	311824	Dry Pasta, Dough, and Flour Mixes Manufacturing from Purchased Flour				
2099	Food Preparations, Not Elsewhere Classified	111998	All Other Miscellaneous Crop Farming				
		311212	Rice Milling				

SIC Number	SIC Description	NAICS Number	NAICS Description	BOD	TSS	Phosphorus	FOG
				* Signifies Domestic Strength Level			
		311340	Non-chocolate Confectionery Manufacturing				
		311423	Dried and Dehydrated Food Manufacturing				
		311824	Dry Pasta, Dough, and Flour Mixes Manufacturing from Purchased Flour				
		311830	Tortilla Manufacturing				
		311911	Roasted Nuts and Peanut Butter Manufacturing				
		311920	Coffee and Tea Manufacturing				
		311941	Mayonnaise, Dressing, and Other Prepared Sauce Manufacturing				
		311942	Spice and Extract Manufacturing				
		311991	Perishable Prepared Food Manufacturing				
		311999	All other Misc. Food Manufacturing				
2620	Paper Mills	322121	Paper (except Newsprint) Mills	*	480	*	*
		322122	Newsprint Mills				
2640	Converted Paper Products			300	1500	*	*
2810	**Industrial Inorganic Chemicals**						
2812	Alkalies and Chlorine	325180	Other Basic Inorganic Chemical Manufacturing	*	2000	*	*
2813	Industrial Gases	325120	Industrial Gas Manufacturing				
2816	Inorganic Pigments	325130	Synthetic Dye and Pigment Manufacturing				
		325180	Other basic Inorganic Chemical Manufacturing				
2819		211112	Natural Gas Liquid Extraction				

SIC Number	SIC Description	NAICS Number	NAICS Description	BOD	TSS	Phosphorus	FOG
				* Signifies Domestic Strength Level			
	Industrial Inorganic Chemicals, Not elsewhere classified	325130	Synthetic Dye and Pigment Manufacturing				
		325180	Other basic Inorganic Chemical Manufacturing				
		325998	All Other Miscellaneous Chemical Product and Preparation Manufacturing				
		331311	Alumina Refining				
2830	**Drugs**						
2833	Medicinal Chemicals and Botanical Products	325411	Medicinal and Botanical Manufacturing	500	500	*	*
2834	Pharmaceutical Preparation Manufacturing	325412	Pharmaceutical Preparation Manufacturing				
2835	In Vitro and In Vivo Diagnostic Substances	325412	Pharmaceutical Preparation Manufacturing				
		325413	In-Vitro Diagnostic Substance Manufacturing				
2836	Biological Products, except Diagnostic Substances	325414	Biological Product (except Diagnostic) Manufacturing				
2840	**Soaps & Detergents**						
2841	Soap and Other Detergents, except Specialty Cleaners	325611	Soap and Other Detergent Manufacturing	600	*	*	200
2842	Specialty Cleaning, Polishing, and Sanitation Preparations	325612	Polish and Other Sanitation Good Manufacturing				
2843	Surface Active Agents, Finishing Agents, Sulfonated Oils, and Assistants	325613	Surface Active Agent Manufacturing				

SIC Number	SIC Description	NAICS Number	NAICS Description	BOD	TSS	Phosphorus	FOG
				* Signifies Domestic Strength Level			
2844	Perfumes, Cosmetics, and other Toilet Preparations	325620	Toilet Preparation Manufacturing				
2850	**Paints & Allied Products**						
2851	Paints, Varnishes, Lacquers, Enamels, and Allied Products	325510	Paint and Coating Manufacturing	*	*	15	200
2860	**Industrial Organic Chemicals**						
2861	Gum and Wood Chemicals	325194	Cyclic Crude, Intermediate and Gum and Wood Manufacturing	500	500	20	150
2865	Cyclic Organic Crudes and Intermediates, and Organic Dyes and Pigments	325110	Petrochemical Manufacturing				
		325130	Synthetic Dye and Pigment Manufacturing				
2869	Industrial Organic Chemicals, not elsewhere classified	325120	Industrial Gas Manufacturing				
		325180	Other Basic Inorganic Chemical Manufacturing				
		325193	Ethyl Alcohol Manufacturing				
		325199	All Other Basic Organic Chemical Manufacturing				
		325998	All Other Miscellaneous Chemical Product and Preparation Manufacturing				
2890	**Miscellaneous Chemical Products**						
2891	Adhesives and Sealants	325520	Adhesive Manufacturing	400	*	*	*
2892	Explosives Manufacturing	325920	Explosives Manufacturing				
2893	Printing Ink	325910	Printing Ink Manufacturing				

SIC Number	SIC Description	NAICS Number	NAICS Description	BOD	TSS	Phosphorus	FOG
				* Signifies Domestic Strength Level			
2895	Carbon Black	325180	Other Basic Inorganic Chemical Manufacturing				
2899	Chemicals and Chemical Preparations, Not Elsewhere Classified	325199	All Other Basic Organic Chemical Manufacturing				
		325510	Paint and Coating Manufacturing				
		325998	All Other Miscellaneous Chemical Product and Preparation Manufacturing				
3010/1	Tire & Inner Tubes	326211	Tire Manufacturing (except Retreading)	*	500	*	*
3060	**Fabricated Rubber Products**						
3061	Molded, Extruded, and Lathe cut Mechanical Rubber Goods	326291	Rubber Product Manufacturing for Mechanical Use				
3069	Fabricated Rubber Products, Not Elsewhere Classified	313320	Fabric Coating Mills				
		314910	Textile Bag Mills				
		315280	Other Cut and Sew Apparel Manufacturing				
		315990	Apparel Accessories and Other Apparel Manufacturing	*	500		*
		326199	All other Plastics Products Manufacturing			*	
		326299	All other Rubber Products Manufacturing				
		339113	Surgical Appliance and Supplies Manufacturing				
		339920	Sporting and Athletic Goods Manufacturing	*	500	*	*
		339930	Doll, Toy and Game Manufacturing				

SIC Number	SIC Description	NAICS Number	NAICS Description	BOD	TSS	Phosphorus	FOG
				* Signifies Domestic Strength Level			
5085	Drums & Barrels - Reconditioning			1200	800	16	1500
5090	**Miscellaneous Durable Goods**						
5091	Sporting and Recreational Goods and Supplies	423910	Sporting and Recreational Goods and Supplies Merchant Wholesalers	400	500	*	150
		425110	Business to Business Electronic Markets				
		425120	Wholesale Trade Agents and Brokers				
		451110	Sporting Goods Stores				
5092	Toys and Hobby Goods and Supplies	423920	Toy and Hobby Goods and Supplies Merchant Wholesalers				
		425110	Business to Business Electronic Markets				
		425120	Wholesale Trade Agents and Brokers				
		451120	Hobby, Toy, and Game Stores				
5093	Scrap and Waste Materials	423930	Recyclable Material Merchant Wholesalers	400	500	*	150
		425110	Business to Business Electronic Markets				
		425120	Wholesale Trade Agents and Brokers				
5094	Jewelry, Watches, Precious Stones, and Precious Metals	423940	Jewelry, Watch, Precious Stone, and Precious Metal Merchant Wholesalers				
		425110	Business to Business Electronic Markets				

SIC Number	SIC Description	NAICS Number	NAICS Description	BOD	TSS	Phosphorus	FOG
				* Signifies Domestic Strength Level			
		425120	Wholesale Trade Agents and Brokers				
		448310	Jewelry Stores				
5099	Durable Goods, not elsewhere classified	423990	Other Miscellaneous Durable Goods Merchant Wholesalers				
		425110	Business to Business Electronic Markets				
		425120	Wholesale Trade Agents and Brokers	400	500	*	150
		444190	Other Building Material Dealers				
		451110	Sporting Goods Stores				
		451120	Hobby, Toy, and Game Stores				
7213	Linen Service	812331	Linen Supply	500	*	*	200
7218	Industrial laundries	812332	Industrial Launderers	600	600	*	400
				~~*Signifies Domestic Strength Levels~~			

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CHAPTER IV: SEPTAGE AND HAULED WASTES

The majority of wastes and Wastewater treated at the ~~GLWA Treatment Plant~~Control Authority's POTW are discharged to and conveyed by the ~~sewer~~Sewerage System through point-source connections from Domestic and ~~Industrial~~ User Sources. However, additional wastes may be conveyed to designated locations via rail, truck, ship or vessel or other equivalent means; hauled to the ~~GLWA System~~Control Authority POTW from locations within and outside of the Service Region of the ~~GLWA~~Control Authority. These rules address these sources of *Hauled Wastes*.

Article I General Provisions

Section IV-101. It shall be unlawful for any Person to discharge any waste or Wastewater, directly or indirectly, by rail, truck, ship or other similar means, without authorization from the ~~GLWA~~Control Authority; or to discharge any Wastewater in violation of the terms and conditions contained in these rules or contrary to any discharge authorization granted by the ~~GLWA~~Control Authority.

Article II Authorized Unloading Locations

Section IV-201. The ~~GLWA Wastewater Treatment Plant~~Control Authority's POTW shall not receive or accept any wastes or Wastewater that are directly transported via rail, truck, dedicated pipeline, ship or vessel, or other similar means, at the ~~Wastewater Treatment Plant~~Control Authority's POTW located at 9300 West Jefferson, Detroit Michigan 48209, except those identified in Section IV-202.

Section IV-202. ~~The GLWA Wastewater Treatment Plant~~The Control Authority's POTW shall accept wastes or Wastewater that are directly transported via truck from Septage Waste Hauler vehicles, and Recreation Vehicles and Individual Portable Toilets.

Section IV-203. The ~~GLWA~~Control Authority will only accept wastes and Wastewater transported to Authorized Unloading Locations specified in these rules or that may be added upon authorization by the ~~GLWA IWC~~Control Authority.

Section IV-204. The usage of any Authorized Unloading Location shall be restricted to authorized ~~Industrial~~ Users who possess a hauled in waste permit issued by the ~~GLWA~~Control Authority, in accordance with the terms and conditions of the permit.

Article III Categories of Authorized and Unauthorized Hauled Wastes

Section IV-301. Authorized Wastes

The following groups of waste and Wastewater may be authorized by the ~~Industrial Waste~~ Control

~~Group~~Authority.

- Septage Waste and Wastewater
- Recreational Vehicle and Individual Portable Toilets
- Sanitary Wastewater from Vessels and Ships

The procedures for obtaining authorization are enumerated in Article IV below.

Section IV-302. Unauthorized Waste Sources

The following sources of waste and Wastewater are not authorized by the ~~Board~~Control Authority and will not be accepted unless there is an exigent condition or public health concern for which the ~~Board~~Control Authority shall authorize disposal.

- Grease Trap Wastes
- Industrial and Commercial Wastes
- Municipal Sludge
- Collection System Solids and Cleanings

Article IV Procedures for Authorization – Septage Waste Hauler

Section IV-401. A Septage waste hauler seeking authorization from the ~~GLWA~~Control Authority to discharge at the ~~Wastewater Treatment Plant~~Control Authority's POTW or other authorized unloading location shall require the owner/operator of the vehicle to (i) possess a valid Septage hauler license issued by the ~~Michigan Department of Environmental Quality MDEQ~~ EGLE; and (ii) obtain a valid ~~GLWA~~Control Authority Septage hauler permit.

Section IV-402. A Septage waste hauler seeking authorization from the ~~GLWA~~the Control Authority to discharge at the ~~Wastewater Treatment Plant~~Control Authority's POTW or other authorized unloading location shall complete an application for a ~~GLWA~~ HIW permit. Information will be provided including the vehicles, tank capacities and applicable vehicle licenses for each vehicle; the general area being serviced, and which authorized unloading sites the septage hauler is requesting access.

Section IV-403. The Septage hauler shall letter the vehicles or affix the truck number shown on their HIW permit on each side and rear of the hauling vehicle covered by their permit in clearly visible locations in black numerals and letters six (6) inches high on a white background of at least eight (8) inches in height. The line width of each letter shall be three-fourths of an inch.

Section IV-404. Upon receipt of a Septage hauler application form, the Control Authority will process the application and accept or reject the application. Permits issued by the Control Authority shall contain information including, but not limited to, that specified in Section II-704. A Septage waste hauler seeking authorization from the ~~GLWA~~Control Authority to discharge at the ~~Wastewater Treatment Plant~~Control Authority's POTW or other authorized unloading location shall only discharge the contents from domestic

waste septic tanks, cesspools, seepage pits, sewage lift stations and portable toilets; after receiving a ~~GLWA~~ permit.

Section IV-405. The ~~GLWA~~Control Authority shall have the unrestricted right to observe loading, hauling and unloading of Septage hauling vehicles; to obtain representative samples of the vehicle's contents at the unloading site prior to or during the unloading activity; to examine the vehicle operator's ~~MDEQ~~ EGLE service seal and business license and the ~~GLWA~~ unloading permit. The vehicle operator shall cooperate with the request of any properly credentialed ~~GLWA~~the Control Authority's employee~~,~~ and assist in providing a sample of the tank's contents.

Article V Procedures for Authorization – Recreational Vehicle and Individual Portable Toilets

Section IV-501. Individuals may discharge the contents of recreational vehicle toilets and individual portable toilets having ~~a~~ contents of less than 125 gallons at approved locations without charge.

Section IV-502. Unloading under this provision is restricted to private persons.

Article VI Procedures for Authorization – Vessels and Ships

Section IV-601. The ~~GLWA~~Control Authority may accept Domestic ~~wastewater~~Sewage from vessels and ships at authorized locations, or from firms servicing vessels and ships traversing the Great Lakes. Individuals or firms shall request authorization from the ~~GLWA~~ Industrial Waste Control Group before discharging any Wastewater, and discharge at an authorized unloading location.

Article VII Other Conditions

Section IV-701. Any Person authorized under these rules for Septage and hauled waste or wastewater is subject to the requirements for permits, inspection, monitoring and enforcement, as enumerated in Chapter II.

Section IV-702. Any permit or authorization granted by the Control Authority shall also include the following conditions:

a) Applicable terms and conditions, surcharges, fees or rates as established by the Board;
b) The specific unloading facility location designated by the Control Authority for discharge;
c) As necessary, additional specific limitations and requirements necessary to protect the wastewater treatment plant and collection system;
d) Any applicable surcharge for High Strength Wastewater applicable to the specific contents being hauled under Authorization by the Control Authority; and
e) Any charges or fees established by the Board.

Article VIII. Appeal

The Decisions and Actions taken by the Industrial Waste Control Group and the Control Authority affecting the administration, implementation, and enforcement of the Septage and hauled waste Program are subject to review through a two-step appeal process. Although the majority of disputes are resolved through open communication, there may be a point where a ~~Industrial~~ User seeks to formalize their objection(s) and seek administrative review. The Appeal procedures recognized under these rules are described in Chapter VIII.

CHAPTER V: REVENUES TO SUPPORT REGULATORY PROGRAMS

The Control Authority has promulgated these rules for the protection of the environment, the public health and safety by abating and preventing pollution through the regulation and control of the quantity and quality of sewage, industrial wastes, and other wastes admitted to or discharged into the sewerage system. The ~~GLWA~~Control Authority seeks to provide for the recovery of the costs from Users of the Wastewater collection and treatment system sufficient to administer regulatory activities and meet the costs of the operation, maintenance, improvement or replacement of the Sewerage System.

Fees and charges may be established by the Board to meet the costs of the operation, maintenance, improvement or replacement of the Sewerage System and regulatory programs, or as provided by law or by Board action.

a) The Board shall adopt charges and fees which shall include, but not be limited to:
   1) Fees for reimbursement of costs of establishing, operating, maintaining, or improving the industrial waste control and pretreatment programs (See Article I below); and
   2) User fees (surcharges) based upon volume of waste and concentration or quantity of specific pollutants in the discharge, and treatment costs including sludge handling and disposal (See Article II); and
   3) Reasonable fees for reimbursement of costs for hearings including, but not limited to, expenses regarding hearings officers, court reporters, and transcriptions; and
   4) Other fees, which the Board may deem necessary, to carry out the requirements contained herein, or as may be required by law.

Article I Industrial Waste Control Charges

Section V-101. The ~~GLWA~~Control Authority is required to implement and enforce an Industrial Pretreatment Program, and perform other related duties as required by the NPDES Permit MI 0022802 and the Clean Water Act. To accomplish these duties and requirements, the ~~GLWA~~Control Authority must have a revenue source which insures adequate funding. The ~~GLWA~~Control Authority hereby adopts the following method of funding these regulatory activities:

a) An IWC water meter charge shall be established by the Board to recover the costs incurred in administering, implementing and enforcing the regulatory activities and obligations under the NPDES Permit MI 0022802 and the Clean Water Act, and any rules adopted by the ~~GLWA~~ Board.
b) The IWC water meter charge shall be based on the size of the water meter on a proportional basis and assessed on any non-residential water meter with the following exceptions:
   1) The IWC water meter charge shall not be assessed on any meter dedicated for Fire Protection

purposes only;

2) The IWC water meter charge shall not be assessed on any meter dedicated for Irrigation purposes only;

3) The IWC water meter charge shall not be assessed on any meter from a multi-family residential dwelling; public and private elementary and secondary school which are part of a government school district; colleges, universities, professional schools, junior colleges and technical institutes; and local, state and federal government facilities.

c) ~~GLWA~~ Member Communities shall periodically report the quantity, number and size of non-residential meters, and any exempt meters (as described in paragraph 2).

d) The ~~GLWA~~Control Authority shall prepare a bill to each ~~GLWA~~ Member Community using the information provided in paragraph 3 and forward the bill for payment either through the Wholesale Sewer Contract Customer (if applicable) and/or ~~GLWA~~ Member Community, indicating the terms and conditions of payment.

e) Each ~~GLWA~~ Member Community is responsible for assessing these fees on applicable Users and collection thereof in accordance with the delegation and service agreements; and for reporting changes in the number of meters reported in paragraph 3.

f) The ~~GLWA~~Control Authority reserves the right to collect any and all outstanding amounts in accordance with applicable law.

Article II Pollutant Surcharges

Section V-201. The ~~GLWA~~Control Authority has adopted rates necessary to recover the cost of service based upon the unit volume of Wastewater discharged; and has adopted Pollutant Surcharges applicable to High-Strength Wastewater discharges from ~~Industrial~~ Users which will be assessed to these ~~Industrial~~ Users so that the proportional share of the cost of service may be recovered.

a) The specific rules and procedures for establishing High Strength Wastewater levels, and administering a program thereof is included in Chapter II of these rules.

b) ~~GLWA~~ Member Communities shall report the applicable water and/or sewage meter information to the ~~GLWA~~Control Authority who shall prepare a bill based upon the established High-Strength Wastewater level of an ~~Industrial~~ User.

c) The ~~GLWA~~Control Authority shall prepare a bill to each ~~GLWA~~ Member Community using the information provided in paragraph 2 and forward the bill for payment either through the Wholesale Sewer Contract Customer (if applicable) and/or ~~GLWA~~ Member Community, indicating the terms and conditions of payment.

d) Each ~~GLWA~~ Member Community is responsible for assessing these fees on applicable ~~Industrial~~

Users and collection thereof in accordance with the delegation and service agreements;

e) The ~~GLWA~~Control Authority reserves the right to collect any and all outstanding amounts in accordance with applicable law.

Article III Other Fees

Section V-301. The Appeal Procedures described in Chapter VIII will incur costs for hearings officers, court reporters, and transcriptions. The cost of conducting these appeal procedures shall be equally shared between the ~~GLWA~~Control Authority and the ~~Industrial~~ User(s). A deposit may be requested by the ~~GLWA~~Control Authority to cover a portion of these expenses. Where ~~an Industrial~~a User fails to pay all fees incurred, the ~~GLWA~~Control Authority shall recover these fees through direct invoicing and using all means authorized by law.

Section V-302. Other fees, which the Board may deem necessary, to carry out the requirements contained herein, or as may be required by law.

CHAPTER VI: FLOW-METERING

The ~~GLWA~~Control Authority requires Users to employ accurate and valid methods for measuring and reporting the volume of water consumed and discharged from their properties to satisfy regulatory and monitoring requirements. Each ~~GLWA~~ Member Community may establish its own criteria for metering the wastewater discharged into the ~~GLWA~~Sewerage System which is not in conflict with these rules.

Article I General Requirements

The ~~GLWA~~Control Authority recognizes the role of the respective ~~GLWA~~ Member Community in prescribing the water and/or sewage meters installed at a User's property. The ~~GLWA~~Control Authority will recognize a User's use of these methods to represent the water usage and/or wastewater discharge as follows:

Section VI-101. Users obtaining all of their water supply from the GLWA shall, unless modified or changed by contract, base the volume of water consumed upon one or more water meters installed at the User's property. Any questions that the GLWA may have concerning the accuracy and validity of a water meter will be directed to the User and ~~GLWA~~the Member Community

Section VI-102. Users obtaining all, or any portion, of their water supply from sources other than the GLWA and who discharge water, wastes and wastewater inclusive of these foreign sources to the GLWA for conveyance and Wastewater treatment, shall base the volume of Wastewater discharged through gauging, metering or using any other equitable method of measuring, the volume of all Wastewater discharged. Acceptance of the Wastewater discharged shall be conditioned upon the acceptance of such methods by the ~~GLWA~~ Member Community. Any questions that the GLWA may have concerning the accuracy and validity of a water meter will be directed to the User and ~~GLWA~~the Member Community

Section VI-103. Users obtaining all, or any portion, of their water supply from the GLWA, but also receiving other wastes and Wastewater via truck, rail, vessel or ship, dedicated pipeline, or any other means of transportation shall base the volume of Wastewater discharged through gauging, metering or using any other equitable method of measuring the discharge volume. Acceptance of the Wastewater discharged shall be conditioned upon the acceptance of such methods by the ~~GLWA~~ Member Community. Any questions that the GLWA may have concerning the accuracy and validity of a water meter will be directed to the User and ~~GLWA~~the Member Community.

Article II Sub-metering of Water or Sewage Volumes

Section VI-201. Any owner of a premise or User of the system may install, at their own expense, a water sub-meter for determining the utility services used by certain areas or processes. Such meter will not be

recognized for purposes of usage, addition or reduction, billing or other regulatory purpose, unless the meter complies with section VI-202.

Section VI-202. Where a ~~GLWA~~ Member Community has recognized and accepted a User's sub-meter(s) to gauge the volume of water, for determining the utility services used by certain areas or processes,), the GLWA shall recognize the purpose and readings of the sub-meter for purposes of usage, addition or reduction, billing or other regulatory purpose described by these rules.

Article III Requirements for Water or Sewerage Metering

Section VI-301. Where the GLWA, in conducting its regulatory responsibilities described by these rules, identifies an unmetered water or sewerage source, a non-functioning water or sewerage meter or sub-meter, or requires other gauging or metering to fulfill the requirements of its NPDES permit, it shall notify the User in writing of its findings and requirements as well as the ~~GLWA~~ Member Community.

Section VI-302. Any water or sewer meter installed by a User must be periodically calibrated by the User~~,~~ and maintained by the User at its own expense. All records of calibration or maintenance shall be provided to the GLWA upon its request.

Article IV Sewage Metering Requirements for Flow-proportional Sampling

Section VI-401. All Significant Industrial Users shall provide, operate, and maintain at their own expense a sampling and monitoring facility which complies with Section II-605.

Section VI-402. Significant Industrial Users required to collect wastewater samples using 24-hour flow-proportional composite sampling techniques, shall provide the Control Authority with a sampling plan in compliance with section II-603 and the following information about the flowmeter and other devices used:

a) The specifications and information describing the flow monitoring instruments, including make and model number;
b) The recording devices used, including make and model number; and
c) Specifications indicating that the meter is equipped with a non-resettable flow totalizer.

Section VI-403. Significant Industrial Users required to collect Wastewater samples using 24-hour flow-proportional composite sampling techniques, shall provide the appropriate interface hardware and cable sufficient to reach the sampler location from the flow metering system's contact point, as follows:

a) Ensure that the flow metering system using an analog output signal, furnish the ~~GLWA~~Control Authority with a flow meter to sampler 4-20 mA input interface: ISCO Part # 60-5314-281, or equivalent.
b) Ensure that the flow metering system using a pulse output signal, furnish the ~~GLWA~~Control Authority with a signal specification of 5 to 15 VDC pulse, with 25 millisecond isolated contact closure using a

sampler connection interface cable ISCO Part # 60-1394-077, or equivalent.

c) The Significant Industrial User shall provide an interface port for 6 pin military spec amphenol connector and a parallel or Y-connector for simultaneous sampling event.

d) In the event that an equivalent or new technology is available which permits the Control Authority to collect a Flow-composite based sampling from the User's facility using equipment other than or different then that enumerated in sub-paragraphs a-c above, the Control Authority will permit such technology to be implemented and used at the User's site. User's must, however, notify the Control Authority in writing.

Article V Appeal

The decisions and actions taken by the Industrial Waste Control Group and the Control Authority affecting the administration, implementation, and enforcement of the Flow Metering Program are subject to review through a two-step appeal process. Although the majority of disputes are resolved through open communication, there may be a point where a User seeks to formalize their objection(s) and seek administrative review. The Appeal procedures recognized under these rules are described in Chapter VIII.

CHAPTER VII: RULES GOVERNING THE WASTES AND WASTEWATER FROM ENVIRONMENTAL REMEDIATION, GROUNDWATER AND OCCASIONAL OR SPECIAL WASTES SOURCES

The purpose of these Rules is to regulate and control the quality and quantity of wastes and Wastewater derived from Environmental Remediation, Groundwater and Occasional or Special Wastes Sources occurring within the sewer Area under the jurisdiction of the ~~Great Lakes Water~~Control Authority~~, hereinafter The Authority,~~ to ensure that these sources are not discharged into the local environment without authorization and in quantity and/or concentrations as may cause or contribute to adverse impact upon the environment or the status of the Control Authority's ~~Wastewater Treatment Plant and System~~POTW with regard to environmental regulations impacting those facilities.

Article I General Requirements

Section VII-101. The Control Authority may authorize the discharge of wastes and Wastewater derived from Environmental Remediation, Groundwater and Occasional or Special Wastes Sources from facilities located in areas served by the ~~GLWA sewer~~Control Authority's Sewerage System.

Section VII-102. Environmental Remediation Wastewater, Groundwater and Occasional or Special Wastes Sources from facilities located in areas not served by the ~~GLWA sewers~~Control Authority's Sewerage System will not be accepted except where a public health or similar exigent condition exists. In response to such public health or exigent condition, the Control Authority may accept and evaluate an application, and will notify the ~~GLWA~~ Board of its findings and determination prior to authorizing the discharge.

Article II Prohibitions

Section VII-201. Unlawful Discharges

It shall be unlawful for any Person to cause or allow the discharge of Environmental Remediation Wastewater, Groundwater and Occasional or Special Wastes Sources from combined sewered areas into ~~any sewerage system under~~ the ~~jurisdiction of the GLWA~~Control Authority's Sewerage System, unless such person has been authorized by the ~~GLWA~~ Control Authority and is in possession of a current and valid permit authorizing the discharge of the Environmental Remediation Wastewater, Groundwater and Occasional or Special Wastes Sources.

Section VII-202. Pollutant Discharge Limits

The Control Authority shall apply or develop pollutant discharge limitations necessary to protect the ~~GLWA Wastewater Treatment Plant and collection~~Control Authority's Sewerage System, and at a minimum include:

a) The General Pollutant Prohibitions (Chapter II, Article II) shall be applied to all permit authorizations;

b) The Specific Pollutant Prohibitions (Chapter II, Article III) shall be applied to all permit authorizations;

c) For Underground Storage Tank and *Petroleum* clean-up projects, the additional discharge limitations shall be applied:

Benzene	20 ug/l
Toluene	20 ug/l
Ethylbenzene	20 ug/l
Xylene	20 ug/l

d) As necessary, the Control Authority may develop special pollutant discharge limitations in concentration or mass necessary to carry out the intent of these rules. The determination of any such special pollutant discharge limitations shall be attached to any permit granted under these rules.

Article III Special Discharge Permits

Section VII-301. Special Discharge Permit Application

Any Person seeking permission to discharge Environmental Remediation Wastewater, Groundwater and Occasional or Special Wastes Sources wastewater shall complete and submit to the Control Authority (on forms supplied by the Control Authority) a Special Discharge Permit Application (SDP Application). At a minimum, the application shall include the following information:

a) The address, or other description of the location, which is the source or origin of the proposed discharge;

b) The name and address of the (i) officers or principal owners of the real property; (ii) name of the person who will be responsible for operation of the facilities; (iii) any agents for these parties; and; (iv) any other persons seeking the ~~SD~~special discharge permit.

c) The applicant shall provide at least one sample analysis which includes the 126 priority pollutants. Additional samples may be tested for pollutants above ~~detected~~detection levels or ~~for~~ which are present or expected to be present in the discharge.

d) ~~Analytical~~Any information concerning the ~~pollutants the~~ nature of operations conducted, or previously conducted at the property. ~~This analytical information shall be the Environmental Remediation Wastewater, Groundwater and Occasional or Special Wastes Sources wastewater.~~

e) Any additional information or documentation necessary to support the application.

f) The SDP Application shall be executed by an Authorized Representative of the person.

g) Acceptance by ~~GLWA~~ Member Community. Applications shall be reviewed by the municipality or other unit of local government having jurisdiction over the geographical location for which the SDP is requested~~,~~ and must be certified acceptable to such municipality or other unit of local government

prior to submittal to the Control Authority. The certification shall be inclusive of any metering or payment requirements. This acceptance must be in writing.

Within 30 days of receipt of a completed SDP Application, the Control Authority shall notify, in writing, the person submitting the application of its approval or denial, and the reason(s) for denial. If approved, the ~~SDP~~special discharge permit shall be issued by the Control Authority to the owner of the real property from which the Wastewater originates as permittee and to the agents of the owner as co-permittees who will be responsible for operation of the facilities.

Section VII-302. Special Discharge Permit

The Control Authority shall develop a special discharge permit form that shall contain, at a minimum, the following conditions:

a) Statement of duration, which for special discharge permits shall not exceed one (1) year. The one (1) year term may be renewed upon receipt of an SDP Application petitioning renewal of the permit for an additional one (1) year term if submitted ninety (90) days prior to the expiration date of the existing ~~SDP~~special discharge permit.

b) A provision against non-transferability of the ~~SDP Permit;~~special discharge permit.

c) Effluent discharge limitations authorized under Section II-202 of these rules.

d) Self-monitoring, sampling, reporting, notification and recordkeeping requirements, including identification of the pollutants to be monitored, sampling points, sampling frequency and sample type. Sample collection and analysis shall conform to the requirements specified by the Control Authority.

e) Requirements for specific treatment, if applicable, including best available technology. Justification for such treatment shall be made in writing and attached to the ~~SDP~~special discharge permit.

f) Acknowledgement from ~~GLWA~~ Member Community.

g) Other requirements including those specified in Section II-704.

Section VII-303. Monitoring of Environmental Remediation Wastewater, Groundwater and Occasional or Special Wastes Sources

a) Each person subject to the terms of these rules shall install and maintain, at its own expense, a control manhole or sampling site, including sampling and flow measurement operations applicable to the discharge~~:~~.

b) All ~~measurements, tests~~sampling and ~~analyses~~analysis shall be ~~conducted~~performed in accordance with ~~USEPA approved methods or~~,applicable regulations contained in ~~the absence thereof, the latest edition of Standard Methods~~ 40 CFR 136 and amendments thereto.

c) Any Flow Monitoring installation shall conform to the requirements and specifications of Chapter VI.

Article IV. Other Provisions

Section VII-401. Representatives of the Control Authority may enter upon the premises for which the ~~SDP~~special discharge permit has been issued, during reasonable hours, to perform gauging and sampling operations, for inspecting or examining facilities, premises, installations and processes, for inspection and copying of records, and for reviewing pretreatment operating procedures and to determine compliance with the terms and conditions of ~~the SDP~~special discharge permit.

Section VII-402. Fees

a) Persons subject to the provisions of these rules are responsible for payment of applicable sewer charges, including any applicable Surcharges.

b) Where the volume of Wastewater discharged under a ~~SDP~~special discharge permit exceeds 1,000,000 gallons per annum, the Industrial Waste control fee shall be assessed and paid prior to commencement of the discharge.

Article V Enforcement

The Control Authority shall enforce compliance with the ~~SDP~~special discharge permit in accordance with Chapter II, including a temporary suspension of the ~~SDP~~special discharge permit or revocation of the ~~SDP~~special discharge permit. Where the Control Authority has revoked the ~~SDP~~special discharge permit, the ~~SDP Permit Persons~~special discharge permit holder may appeal the revocation order in accordance with Article VI of these rules.

Article VI Appeal

The decisions and actions taken by the Industrial Waste Control Group and the Control Authority affecting the administration, implementation, and enforcement of the Environmental Remediation Wastewater, Groundwater and Occasional or Special Wastes Sources Wastewater Program are subject to review through a two-step appeal process. Although the majority of disputes are resolved through open communication, there may be a point where a User seeks to formalize their objection(s) and seek administrative review. The Appeal procedures recognized under these rules are described in Chapter VIII.

CHAPTER VIII: ADMINISTRATIVE APPEAL PROCEDURES

The following rules describe the Administrative Appeals Procedures developed and adopted by the ~~GREAT LAKES WATER~~Control Authority to resolve disputes with the technical subject matter of these rules~~,~~ or resolve disputes on the meaning of these rules. A User who believes it is aggrieved of the actions of the Authority in enforcing these Rules may appeal to the Control Authority for the relief of that dispute. An appeal shall be made as follows:

Article I ~~RECONSIDERATION AND~~ APPEAL ~~OF CONTROL AUTHORITY ACTION~~PROCEDURE

~~The Control Authority shall implement these rules in accordance with applicable laws, and consistent with the delegation of power as granted herein. The Control Authority shall be afforded the first opportunity to perform fact-finding; develop interpretations of disputed technical subject matter; and resolve disputes concerning the meaning of these rules, functions of which are within its "special competence".~~

~~These administrative procedures for *Reconsideration and Appeal of Control Authority Actions*, are adopted to promote administrative autonomy and efficiency and facilitate any subsequent judicial review.~~

Section VIII-101. ~~Reconsideration of Administrative Decision or Action~~Appeal Request

~~a) A User adversely affected by an administrative decision, administrative enforcement action, or the construction or application of these rules may request the Control Authority to reconsider its action, by filing a written notice within twenty (20) days of the date of occurrence of the action.~~

~~b) The written notice shall be submitted to the GLWA Chief Compliance Officer or his or her designee and the Industrial Waste Control Operations Manager that includes a statement of the specific issue(s) being requested for reconsideration, and the information, documents and other records in support of the request; and shall request a meeting where the issue being requested for reconsideration, and the information, documents and other records in support of the request will be discussed or a written decision without such meeting. The Industrial Waste Control Operations Manager shall provide a written response to the GLWA Chief Compliance Officer within five (5) days.~~

c) The GLWA Chief Compliance Officer or his or her designee shall review the request and all supporting materials, and:

1) If no meeting is requested, the GLWA Chief Compliance Officer or his or her designee shall provide a written response within ten (10) days of receipt of the request.

2) If a meeting is requested, the GLWA Chief Compliance Officer or his or her designee shall schedule a meeting within seven (7) but no more than twenty (20) days of receipt of the request. A written response shall be made within ten (10) days after the meeting or after receipt of any requested documentation from the Industrial User or IWC.

d) A User may rescind their request for reconsideration any time prior to the date a written response is due.

e) The written response will be sent to the User by Certified Mail and a copy retained in the User's file. These responses will also be used as a Decision of Record for application in like cases and matters.

f) Except where it is necessary to prevent pass-through, interference or other harm to the POTW or the sewerage system, the public, or to waters of the State; the filing of a request for reconsideration shall stay the Authority action until a written decision has been issued and the time for filing a request for a Section VIII-102 Appeal Hearing has lapsed.

a) The ~~Section VIII-102.~~ Appeal Hearing

a) A User may request an Appeal hearing before the GLWA Board of (i) a written reconsideration response from the Industrial Waste Control Operations Manager; and/or (ii) a unilateral Administrative Order or Show Cause Hearing Order; and/or (iii) any final decision or order to deny issuance of a Wastewater Discharge Permit or revoke a Wastewater Discharge Permit, or wastewater service based on Section 1104. The request shall be assigned to an Administrative Law Judge (ALJ) selected by the GLWA Board.

b) An appeal hearing request must:

1) Be submitted within twenty (20) days of the action(s) enumerated in subparagraph (a) to the General Offices of the GLWA;

2) Include a filing fee (non-refundable) of $ 100.00;

c) The hearing shall be conducted before an ALJ using the Hearing rules set forth below as applicable (See below) in these rules.

d) The costs of the ALJ hearing shall be equally shared by each party.

e) Except where it is necessary to prevent pass-through, interference or other harm to the POTW, the public, or to waters of the State; the filing of a request for an Appeal Hearing shall stay the

~~Control Authority action until a written decision has been issued.~~

~~DEPARTMENT OF ENVIRONMENTAL QUALITY~~

~~OFFICE OF ADMINISTRATIVE HEARINGS~~

~~CONTESTED CASE AND DECLARATORY RULING PROCEDURES~~

~~Filed with the Secretary of State on January 21, 2003~~

~~These rules take effect 7 days after filing with the Secretary of State~~

~~(By authority conferred on the department of environmental quality by sections 33 and 63 of Act No. 306 of the Public Acts of 1969, as amended, being SS24.233 and 24.263 of the Michigan Compiled Laws)~~

~~PART 1. GENERAL PROVISIONS~~

~~R 324.1 Definitions.~~

~~Rule 1. (1) As used in these rules:~~

~~(a) "Act" means 1969 PA 306, MCL 24.201 et. seq.~~

~~(b) "Administrative law judge" means presiding officer as referred to in the act and the person designated by the director to conduct hearings under these rules.~~

~~(c) "Department" means the Great Lakes Water Authority~~

~~(d) "Director" means the CEO of the Great Lakes Water Authority, or their designee~~

~~(e) "Final decision maker" means the director or any other person to whom the director has delegated final decision making authority in contested cases.~~

~~(f) "Office" means the office of the CEO of the Great Lakes Water Authority~~

~~(g) "Petition" means a petition for a contested case hearing.~~

~~(h) "Petitioner" means a person who files a petition for a contested case hearing.~~

~~(i) "Respondent" means a person against whom a contested case proceeding is commenced.~~

~~(j) "Tribunal" means the adjudicative body retained by the department that conducts contested case hearings.~~

~~(2) Words defined in the act have the same meanings when used in these rules.~~

~~R 324.2 Construction of rules.~~

~~Rule 2. These procedural rules shall be construed to secure a fair, efficient, and impartial determination of the issues presented in contested cases consistent with due process and safeguarding the rights of the parties.~~

~~R 324.3 Scope of rules; statutory procedures; absence of procedures.~~

Rule 3. (1) These rules govern all contested case proceedings before the department and requests for declaratory rulings.

(2) If a contested case is brought pursuant to a statute that provides governing procedures, the portions of these rules that are inconsistent with the statutory provisions do not apply, but any portion of these rules that is consistent with the statutory provisions apply in addition to those procedures. However, these rules do not apply to proceedings under Parts 615 and 617 of 1994 PA 451, MCL 324.61501, et seq. and 324.61701, et. seq.

(3) If a rule does not address an issue of procedure, then chapter 4 of the act shall govern.

PART 2. COMMENCEMENT OF CONTESTED CASE PROCEEDING

R 324.21 Petition for contested case; required information; submission to the office; acknowledgment of receipt.

Rule 21. (1) A written petition for a contested case shall be on the form provided by the department or other document and shall include all of the following information:

(a) Facts or conduct that warrant a contested case.

(b) The identity of the persons involved and their relationship to the subject matter.

(c) Specific sections of applicable statutes and rules, if known.

(d) The specific remedies sought.

(e) A copy of the department's decision being challenged, if made in writing.

(2) The petition shall be signed by the person requesting a contested case or the person's authorized representative. A petition shall be mailed or delivered to the department. The date of receipt by the department shall be the date a petition is filed. Unless otherwise stated in a statute, a petition shall be filed within twenty (20) days from the date of the department's decision to be considered timely. A person shall submit a petition on a form provided by the department or a document that complies with the requirements with subrule (1) of this rule.

R 324.22 Investigation of petition; determination of tribunal; failure to provide opportunity to show compliance; notice to petitioner.

Rule 22. (1) Within a reasonable time after receipt of a petition for a contested case, the office, in conformity with any applicable statute or that rule, shall take 1 of the following actions:

(a) Request that the petitioner submit an amended petition providing a more detailed and definite statement of issues.

(b) Place the petition on the docket of pending cases and acknowledge, in writing, its receipt and that a case is opened. The acknowledgement shall be sent to all parties, and the permit holder if applicable.

(c) Take any other appropriate action within its authority, including, but not limited to, the issuance of a sua sponte order of dismissal.

(2) If a petition raises questions relevant to a proper disposition of the petition, then the department may be requested to respond to the petition in writing. Following any action under this subrule, 1 of the actions under subrule (1) of this rule shall be taken.

(3) The petitioner shall be notified of any decision made under subrules (1) and (2) and shall be provided with a written explanation of the reasons for the decision.

(4) If it is determined the department has failed to provide the petitioner an opportunity to show compliance as required by §92 of the act, the matter shall be returned to the department for issuing a notice for an opportunity to show compliance or such other action as may be appropriate.

R 324.23 Contested case docket; docket numbers; notice to parties of docketing a case; commencement of contested case proceeding; no progress docket.

Rule 23. (1) The office shall maintain a docket of all pending petitions.

(2) A case docket number shall be assigned to all petitions. The number shall correspond, if possible, to the permit, application, or document number used by the department in the matter that is the subject of the petition. Parties shall include the docket number and petitioner's name on the first page of all pleadings or correspondence filed in a case.

(3) The office shall provide a copy of the petition to the respondent, and inform all parties of the docket number at the time of acknowledgment. The acknowledgment shall be considered notice of the commencement of the contested case proceeding.

(4) A no progress docket shall be maintained by the office. Failure of a petitioner to respond in a timely manner to any directive of the office may result in placing the case on the no progress docket.

(5) A party whose case is placed on the no progress docket shall be given notice and time to show cause why the case should not be dismissed for undue delay. A party shall submit the requisite documents, or otherwise respond to unanswered requests, as part of that party's response to the notice. If a party fails to respond to the notice within 21 days of its date, the case shall be dismissed with prejudice.

R 324.24 Service of notice by office; service by party; service on attorney; manner of service; proof of service.

~~Rule 24. (1) The office shall serve documents by first-class mail, unless otherwise required by statute. A copy of all documents shall be included in the case file. No proof of service shall be required of the office.~~

~~(2) Service by a party shall be made in person or by mail as specified in subrules (3) and (4) of this rule. A party shall serve all documents and pleadings filed in a contested case on all other parties. Service of documents shall be made on a party's attorney who has filed an appearance, if any, and shall be effective as service on the party.~~

~~(3) Personal service may be used if service by mail is required or permitted, unless otherwise required by statute. Personal service shall be made on a person or party by leaving orders, notices, and other documents with the person or party or with a party's attorney of record.~~

~~(4) Service by mail shall be accomplished by complying with both of the following requirements, except as otherwise required by statute:~~

~~(a) Enclosing a copy of the document or pleading in a sealed envelope with postage fully prepaid and addressed to the person to be served at that person's last known address. The envelope shall list the return address of the sender.~~

~~(b) Depositing the envelope and its contents in the mail.~~

~~(5) A person or party who has served a document or pleading in a contested case shall file with the office a proof of service at the time of filing the original pleading or document with the office. Proof of service shall be made as follows:~~

~~(a) If service is made by mail, proof of service shall be made by filing a certification of service that shows compliance with subrule (4) of this rule by specifying all of the following:~~

~~(i) The method of service.~~

~~(ii) The identity of the server.~~

~~(iii) The date and place of mailing.~~

~~(iv) The address where the materials were mailed.~~

~~(b) If the service is made by personal service, proof of service shall be made by filing an affidavit of service certifying all of the following:~~

~~(i) The method of service.~~

~~(ii) The identity of the server.~~

~~(iii) The person served.~~

~~(iv) The date and place of service.~~

~~PART 3. FINAL DECISION MAKER AND ADMINISTRATIVE LAW JUDGES~~

R 324.31 Final decision maker and administrative law judge; disqualification; motions; ruling on motions; review by office; oral motions; review by office.

Rule 31. (1) The final decision maker or an administrative law judge shall withdraw from a case if that person deems himself or herself personally biased, prejudiced, or otherwise disqualified to preside. Withdrawal shall be noted on the record and shall disclose the nature of the personal bias, prejudice, or disqualification. The director shall designate a replacement.

(2) A party may file a written motion to disqualify the final decision maker or an administrative law judge. A motion to disqualify shall be filed before the commencement of hearing or as soon as practicable after discovery of the alleged grounds for disqualification. A motion to disqualify shall be supported by an affidavit conforming to the standards of section 79 of the act and the Michigan court rules. An allegation that the administrative law judge is an employee of the department does not constitute a sufficient basis for disqualification.

(3) The administrative law judge presiding over the case shall rule on the motion to disqualify.

R 324.32 Administrative law judge; powers.

Rule 32. An administrative law judge may exercise the powers specified in section 80 of the act and any power described in these rules or delegated by the director pertaining to presiding officers.

R 324.33 Ex parte contact with final decision maker or administrative law judge.

Rule 33. Direct or indirect contact with the final decision maker or the administrative law judge who presides over the case by a party, a party's attorney, or any other person on behalf of a party concerning the merits of a case pending review is ex parte communication. Ex parte communication is prohibited and will subject a party or counsel to appropriate sanctions under R 324.59(2) or disciplinary action.

PART 4. PREHEARING CONFERENCES

R 324.41 Prehearing conference; purpose.

Rule 41. (1) The administrative law judge may direct the parties to appear at the time and date established by the office for 1 or more prehearing conferences in order to do any of the following:

(a) Simplify and clarify factual and legal issues.

(b) Consider amendments to pleadings.

(c) Obtain admissions and stipulations of fact or authenticate evidence.

(d) Expedite the discovery and presentation of evidence.

(e) Produce all proposed exhibits in the possession of a party.

(f) Identify witnesses and generally describe the issues on which they may testify.

(g) Set a time for the exchange of any written testimony.

(h) Estimate the time required for the hearing.

(i) Discuss settlement or other disposition of the case.

(j) Set time limits for discovery, motions, and other matters.

(k) Determine the parties to the case.

(l) Set the time limit for the exchange of proposed exhibits and witness lists.

(m) Set the date, time, and place for the hearing.

(n) Consider other matters that may aid in the disposition of the proceedings.

(2) The administrative law judge may conduct a prehearing conference by a telephone conference call.

R 324.42 Prehearing conference; failure to appear; binding nature of conference; memorandum on witnesses and exhibits.

Rule 42. (1) If a party fails to appear for a prehearing conference after proper service of notice, and if no adjournment is granted, the administrative law judge may proceed with the conference. A party who fails to attend the conference without good cause shall be subject to any procedural agreements reached and any procedural order or procedural ruling made with respect to matters addressed at the conference, and the case may be placed on the no progress docket.

(2) The administrative law judge may order each party to exchange a list of witnesses the party intends to call and offer testimony at the hearing. The witness list shall identify the witness and contain a brief recitation of each witness's anticipated testimony. The curriculum vitae of a witness, who will be offered as an expert, shall be provided with the witness list. A witness not identified by the date established shall not be allowed to testify at the hearing without showing good cause. A witness not identified as required may be allowed to testify for the purpose of rebutting the exhibits or testimony of another party.

(3) The administrative law judge may order each party to exchange, or if appropriate identify, all proposed exhibits intended to be introduced during the party's direct case. An exhibit not exchanged or identified by the date established may not be entered on the record unless good cause is shown. The parties may stipulate to a schedule for the exchange of such materials, subject to the approval of the administrative law judge.

R 324.43 Prehearing conference; record of rulings and orders; summary; copies and corrections.

Rule 43. After a prehearing conference, the administrative law judge shall issue a conference summary setting forth the date, time, and place of the hearing. The conference summary shall also describe the agreements of the parties regarding the date for the exchange of witness lists and proposed exhibits, dates for filing motions and responses, discovery, and any other attendant

matters. The conference summary shall also set forth the factual stipulations of the parties. All of the terms and conditions in the conference summary shall become binding on the parties absent the filing of a written objection within the time prescribed in the conference summary.

PART 5. PREHEARING MATTERS

R 324.51 Appearance by attorney.

Rule 51. An attorney who represents a party in a contested case shall promptly file an appearance with the office.

R 324.52 Pleadings and other documents; form; statements of facts; answer; certification; manner of filing; time limits.

Rule 52. (1) Pleadings and other documents, including all of the following, may be permitted by the administrative law judge:

(a) An administrative complaint.

(b) A petition for contested case proceeding.

(c) Answers.

(d) Memoranda.

(e) Motions, briefs, and affidavits in support of, and responses to, a motion.

(2) Pleadings and other documents shall include the title and docket number of the case and be submitted on 8½ by 11 inch paper. The Michigan court rules may be used as to all matters of form.

(3) The paragraphs of an answer or response shall be numbered to correspond to the numbered paragraphs, if any, of the pleading to which they respond. If a pleading does not contain numbered paragraphs, the answer or response shall address the issues in the order presented.

(4) The original of each petition, pleading, or other documents shall be signed by the submitting party or by the party's authorized representative. The signature of an attorney constitutes a certification by the attorney that he or she has read the document; that to the best of the attorney's knowledge, information, and belief it is well grounded in fact and supported by law; and that it is not interposed for unwarranted delay, harassment, or any other improper purpose.

(5) Pleadings and other documents shall be filed by sending or delivering them to the office at its Lansing address, unless otherwise directed. The date of receipt or delivery at the office shall be used to determine whether a pleading or other document has been filed in a timely manner, unless the administrative law judge orders otherwise.

(6) If a pleading or other document is not filed in accordance with applicable time limits, then a party may move that it be stricken from the record. The motion shall be granted if the party making the late filing does not show good cause and the late filing will not prejudice the moving party.

~~R 324.53 Facsimile transmission of documents.~~

~~Rule 53. The office permits the use of facsimile communication equipment for the filing of documents. The following provisions govern the use of facsimile equipment for the filing of documents:~~

~~(a) All filings shall be on 8½ by 11-inch paper and consist of not more than 20 pages at any one time.~~

~~(b) A cover sheet that includes all of the following information shall accompany each transmission:~~

~~(i) Case name.~~

~~(ii) Case number.~~

~~(iii) Document title.~~

~~(iv) Name.~~

~~(v) Telephone number, and facsimile number of the sender.~~

~~(c) Documents received in the office after 5 p.m. eastern time are considered filed on the following business day.~~

~~(d) The original document shall be sent to the office by mail contemporaneous with the facsimile filing. Upon receipt of the original document, the office shall retain only the cover page of the facsimile filing in its file in order to verify the date of filing.~~

~~(e) For purposes of R 324.52(4), a signature includes a signature transmitted by facsimile communication equipment.~~

~~R 324.54 Electronic filing of pleadings and documents.~~

~~Rule 54. The office may permit the filing and service of pleadings and documents by electronic mail in circumstances that further the purpose of R 324.2. The original document shall be sent to the office by mail contemporaneous with the electronic filing. R 324.53 shall be a guide in determining the filing date and retention of documents filed electronically.~~

~~R 324.55 Summary disposition.~~

~~Rule 55. A party may move for full or partial summary disposition on any of the following grounds:~~

~~(a) The department lacks jurisdiction over the person or subject matter.~~

~~(b) The opposing party has failed to state a claim upon which relief can be granted.~~

~~(c) No genuine issue exists as to any material fact, and the moving party is, therefore, entitled to a favorable decision as a matter of law.~~

~~(d) The party asserting the claim lacks standing.~~

~~R 324.56 Application for order in pending action.~~

~~Rule 56. An application for an order shall be made by motion. Unless made during a hearing, the motion shall be in compliance with all of the following provisions:~~

~~(a) Be in writing.~~

~~(b) State with particularity the grounds and authority upon which it is based.~~

~~(c) State the relief or order sought.~~

~~(d) Be signed by the party or attorney.~~

~~R 324.57 Response to motion; oral argument.~~

~~Rule 57. A party may file a written response to a written motion within 14 days or within a time specified by the administrative law judge. A party may request oral argument and the request may be granted at the discretion of the administrative law judge. The administrative law judge may order oral argument if he or she believes such argument will aid in the decision making process.~~

~~R 325.58 Motion to correct or strike pleadings; failure to obey if granted; time for submission if denied; striking material.~~

~~Rule 58. (1) An opposing party may move for a more definite statement of the issues on the ground that a pleading is so vague or ambiguous that it cannot be understood or answered.~~

~~The motion shall identify the defects or deficiencies.~~

~~(2) An order for a more definite statement shall be obeyed within 14 days after service of the order. If not obeyed, the administrative law judge may strike the pleading to which the motion was directed or enter any other order that is just.~~

~~(3) If a motion for a more definite statement is denied, the moving party shall file the responsive pleading that was delayed by the motion within 14 days after the date of the order.~~

~~(4) The administrative law judge, on motion by a party or on his or her own motion, may order either or both of the following stricken from any pleading:~~

~~(a) Redundant, irrelevant, immaterial, impertinent, scandalous, privileged, or indecent matter.~~

~~(b) All or any part of a pleading not drawn in conformity with these rules.~~

~~R 324.59 Depositions; discovery; failure to comply; order directing compliance; effect of refusal to obey order.~~

~~Rule 59. (1) The taking and use of depositions and other discovery shall be allowed only upon stipulation of the parties or by leave of the administrative law judge. A motion for discovery shall not be filed unless the discovery sought has been previously requested of a party and refused. The motion shall describe the nature of the discovery sought and the purpose of the discovery. A party against whom the discovery request is directed shall have 14 days to respond to the motion or within a time frame specified by the administrative law judge. If discovery is granted, it shall~~

~~proceed in the same manner as in the circuit courts. A deposition or other discovery taken pursuant to this subrule, may be offered as evidence at the discretion of the administrative law judge.~~

~~(2) If a party refuses to obey an order issued under subrule (1) of this rule, then the administrative law judge, on the motion of a party or sua sponte, may enter such orders addressing the refusal as are just, including, but are not limited to, any of the following:~~

~~(a) Deem that the facts sought under the original order are established for the purposes of the proceeding in accordance with the claim of the party obtaining the order.~~

~~(b) Prohibit the disobedient party from admitting new evidence supporting or opposing designated claims or defenses.~~

~~(c) Ordering that pleadings or parts of pleadings are stricken, staying further proceedings until the order is obeyed, dismissing the proceeding or a part of the proceeding, or defaulting the disobedient party.~~

~~R 324.59a Adjournment of hearings; written motion; time for serving; exceptions.~~

~~Rule 59a. (1) A hearing~~ appeal request must be in writing, directed to the Chief Compliance Officer and received within 21 days of the decision or act that is the subject of the appeal. The appeal request shall be made in triplicate and shall set forth the specific act or matter complained of and in dispute. Additionally, the appeal request shall include all documentation which supports the User's position.

b) The Chief Compliance Officer shall within thirty (30) days of receipt of a written appeal request, acknowledge such receipt in writing to all interested parties. Thereafter, the Chief Compliance Officer shall arrange for a hearing to be held in accordance with Section 3 of this Chapter, or if appropriate, direct a representative of the IPP Program (IPP Representative) to schedule a conciliation meeting with the appellant as soon as practicable, at the mutual convenience of the parties to resolve the dispute.

Article II CONCILIATION MEETING

Section VIII-102. ~~may be adjourned only by order of the administrative law judge on motion by a party or sua sponte. The administrative law judge may order an adjournment on stipulation of the parties at the discretion of the administrative law judge, if it is determined an adjournment is not in conflict with R 324.2.~~

~~(2) Before a hearing commences, a motion for adjournment shall be made in writing and state with particularity the reasons why an adjournment is necessary. A written motion served less than 5 days before the date set for hearing shall not be considered unless the administrative law judge finds that an exception should be made because of any of the following:~~

(a) The motion could not be served within the time limit for reasons not within the control of the party making the motion.

(b) The interests of justice require the exception.

(c) The parties have reached a settlement agreement and the specific date as to when the settlement will be finalized is provided in the motion.

R 324.59b Motion for extension of time.

Rule 59b. Requests for extensions of any time limit established in these rules shall be made by written motion and filed with the office before the expiration of the period originally prescribed or previously extended, except as otherwise provided by law, or by stipulation of the parties. A motion under this rule shall be granted only for good cause or on the written stipulation of the parties, and only if the order for extention would not be in conflict with R 324.2.

R 324.59c Accompaniment of written motion by proposed order.

Rule 59c. A written motion may be accompanied by a proposed order.

R 324.59d Application for intervention; filing; service; answers; oral argument; rulings.

Rule 59d. (1) A person who has legal standing and who seeks to intervene as a party in a contested case shall file an application to intervene with the office setting forth the legal authority and facts supporting intervention. A person who files an application shall serve copies on all parties known to the person at the time of application and provide proof of service at the time of filing. The office shall advise an applicant for intervention of the names and addresses of parties not served by the applicant, who shall then serve those parties and file a proof of service consistent with R 324.24.

(2) An application under subrule (1) of this rule shall not be granted until all parties have had an opportunity to answer the application in writing, unless the applicant is the permit holder. An answer shall be filed within 14 days after the date of service of the application or within the period of time established by an order of the administrative law judge.

(3) The administrative law judge shall consider whether intervention would be in conflict with R 324.2 or prejudice the rights of the existing parties. To avoid prejudice, intervention by a person may be denied or limited.

(4) The applicable statute and rules shall govern the issue of standing in a contested case hearing and these rules shall not be construed to either expand or restrict the legal standing of any person to intervene as a party in a contested case.

R 324.59e Joint hearing; consolidation of proceedings; representative actions; notice of intent to issue order; filing of objections.

Rule 59e. (1) When contested cases involving a substantial and controlling common question of fact or law or where multiple petitions have been filed regarding the same project or application are pending on the docket, the office may, on motion of a party or sua sponte, take any of the following actions provided that the interests of the parties are not prejudiced by such actions:

(a) Order a joint hearing on any or all of the matters at issue.

(b) Order the proceedings consolidated.

(c) Make other orders concerning the proceedings to avoid unnecessary costs or delays.

(d) Appoint a representative petitioner to fairly and adequately assert and protect the interests of all petitioners.

(2) Before issuing an order sua sponte under subrule (1), the office shall serve on the parties a notice of intent to issue the order. The parties shall have 14 days from service of the notice to file objections.

PART 6. HEARINGS

R 324.61 Hearing; location.

Rule 61. A hearing shall be conducted in Lansing unless the administrative law judge orders a change of situs.

R 324.62 Hearing; record.

Rule 62. A hearing shall be conducted on the record. A certified court reporter or court recorder shall take a transcript of testimony. The record shall consist all of the following:

(a) The sworn testimony.

(b) Stipulations.

(c) Exhibits admitted into evidence.

(d) Offers of proof.

(e) Pleadings and motions filed.

(f) The rulings made.

The official record, excluding transcripts, shall be made available to the parties upon request. A request for a transcript shall be made to the court reporter and the cost shall be borne by the party making the request.

R 324.63 Hearing; opening statements; closing arguments.

Rule 63. A party may make, reserve, or waive an opening statement. A party may make a closing argument. The administrative law judge may order closing arguments to be submitted in writing and may require written proposed findings of fact and conclusions of law.

R 324.64 Hearings; burden of proof; order of presentation of evidence; regulation of order of presentation; cross-examination.

Rule 64. (1) The party filing an administrative complaint or petition for a contested case hearing, a motion for summary disposition, or other motion as allowed by these rules, has the burden of proof and of moving forward unless otherwise required by law.

(2) All other parties shall present the evidence in an order determined by the administrative law judge. The administrative law judge may allow rebuttal testimony and may permit further testimony as deemed appropriate.

(3) The administrative law judge shall regulate the order of the hearing to promote the fair and efficient determination of the issues presented.

(4) Parties are entitled to cross-examine witnesses.

(5) Parties are entitled to offer evidence as to the facts at issue. Issues of law and policy are matters for argument and the administrative law judge may require they be addressed in writing.

(6) Admissibility of evidence shall be governed by section 75 of the act.

R 324.65 Witnesses; oath or affirmation; examination; written testimony; motion to strike testimony.

Rule 65. (1) Testimony of witnesses shall be taken only after an oath or affirmation is administered. A witness shall be examined orally.

(2) The administrative law judge may permit testimony to be submitted in written form or in the narrative. Testimony submitted in written form shall be filed with the office and served upon the parties not less than 14 days before a hearing scheduled in the matter unless otherwise ordered by the administrative law judge. A motion to strike written testimony shall be filed not less than 5 days in advance of the hearing unless otherwise permitted by the administrative law judge. A party submitting testimony in written form shall make the witness available for cross examination.

(3) The administrative law judge shall issue subpoenas if authorized by statute pursuant to section 73 of the act.

PART 7. DECISION PROCESS

R 324.71 Proposal for decision; replacement of administrative law judge; exclusiveness of record, transcripts; briefs.

Rule 71. (1) The administrative law judge shall prepare a proposal for decision and serve it on the parties within a reasonable time after the hearing or the submission of written closing arguments. If the administrative law judge becomes unavailable, another administrative law judge may be

assigned to read the record, including a transcription of the testimony, and to prepare a proposal for decision.

(2) A proposal for decision shall be based exclusively on the record made at the hearing. The administrative law judge may rely on his or her expertise in evaluating the facts included in the record. Except as provided for under section 77 of the act, the administrative law judge shall not consider facts not on the record.

(3) The administrative law judge may require or permit the parties to submit written closing arguments at a time specified. A party submitting a brief containing references to a transcript shall include the page and volume numbers of the transcript. A brief containing references to exhibits shall include the exhibit numbers and identify the page number of the exhibit cited.

R 324.72 Proposal for decision; exceptions; written arguments; responses; review on the director's own motion.

Rule 72. (1) A party may file and serve exceptions and written argument supporting or opposing a proposal for decision under a schedule established by the office.

(2) A party's written argument in support of an exception or supporting or opposing a proposal for decision shall do all of the following:

(a) Identify any specific findings of fact in the proposal for decision to which exception is taken and identify the evidence in the record supporting the party's view.

(b) Identify specifically the evidence from the record supporting a party's view that other factual findings should have been made.

(c) Use the names of witness and exhibit numbers when referring to the record, including transcript volumes and page numbers, if relevant.

(d) State any specific conclusions of law to which exception is taken and the basis for the exception.

(e) If it is believed other conclusions of law should have been reached, submit them in writing, identify the basis for them in the record, and provide arguments supporting the proposed conclusion.

(f) Identify any policy judgment or exercise of discretion in the proposal for decision with which there is disagreement, provide argument as to why a different policy or discretionary decision is appropriate, submit a specific statement of policy or decision to replace any challenged policy or discretionary decision, and identify factors in the relevant statutes and rules supporting the proposed policy or exercise of discretion.

(g) State specifically the proposed decision the final decision maker should render.

~~R 324.73 Proposal for decision; request for oral argument; opportunity for rebuttal.~~

~~Rule 73. (1) A party desiring to make oral argument in support of exceptions to a proposal for decision or in addition to written argument shall include a request in the exceptions filed under R 324.72. Oral argument may be granted by leave of the final decision maker and may be limited in scope and duration. Oral argument shall not be permitted without a written request supported by written exceptions and arguments filed in a timely manner. If oral argument is granted, notice shall be served on the parties.~~

~~(2) If oral argument is granted, all parties shall be given an opportunity for rebuttal argument, which the final decision maker may limit as to scope and duration.~~

~~(3) The final decision maker may schedule oral argument without a request for oral argument by a party.~~

~~R 324.74 Final decisions; evidence; date; basis for overturning proposal for decision; record for judicial review.~~

~~Rule 74. (1) Review of a proposal for decision by the final decision maker shall be restricted to the record made at the hearing and the exceptions and arguments submitted by the parties.~~

~~Issues not raised in the written exceptions and arguments shall not be considered at oral argument. The final decision maker shall not accept additional testimony or exhibits.~~

~~(2) Except as otherwise provided by law, the final decision maker shall issue a final agency decision within a reasonable time after the date for filing of any exceptions or, if oral argument is permitted, a reasonable time after argument.~~

~~(3) The final decision maker may remand, reverse, modify, or set aside a proposal for decision and make a final decision which differs from the proposal for decision. The final decision maker shall consider whether the proposal for decision is deficient due to any of the following:~~

~~(a) Misapplied a rule, statute, or constitutional provision governing the issues involved.~~

~~(b) Adopted an incorrect interpretation of a rule or statute or an incorrect conclusion of law.~~

~~(c) Incorporated typographical, mathematical, or other obvious errors that affect the substantial rights of 1 or all of the parties to the action.~~

~~(d) Failed to address a relevant issue.~~

~~(e) Made factual findings inconsistent with the evidentiary record.~~

~~(f) Improperly excluded or included evidence that substantially affects the outcome of the case.~~

~~(4) The final decision maker's order shall include findings of fact and conclusions of law pursuant to section 85 of the act. The final decision maker may adopt the proposal for decision or any part of it as the final agency decision.~~

(5) The final agency decision in a contested case is the exhaustion of administrative remedies as set forth in section 301 of the act.

R 324.75 Request for rehearing; objections; effect; remand for further consideration.

Rule 75. (1) A request for rehearing shall be addressed to the administrative law judge, served on the parties, and shall state the grounds upon which the moving party relies. A response to the motion shall not be filed, and there shall be no oral argument, unless the administrative law judge otherwise directs.

(2) Generally, and without restricting the discretion of the administrative law judge, a motion for rehearing or reconsideration which merely presents the same issues previously ruled on, either expressly or by reasonable implication, shall not be granted. The moving party shall demonstrate a palpable error by which the tribunal and the parties have been misled and show that a different disposition must result from the correction of the error. A rehearing may be ordered on grounds there is newly discovered evidence that could affect the outcome of the case only if the lack of its discovery is not attributable to the moving party.

(3) The final decision maker may determine the record or a proposal for decision is inadequate for purposes of his or her review or for judicial review, or that evidence was improperly included or excluded, and remand the case to the administrative law judge for further consideration.

PART 8. DECLARATORY RULINGS

R 324.81 Declaratory rulings.

Rule 81. (1) An interested person requesting a declaratory ruling as to the applicability of a licensing statute, rule, or order administered by the department to an actual state of uncontested facts may do so on a form provided by the department. Requests regarding enforcement issues are not a proper subject for a declaratory ruling. The department shall not process a request that is incomplete. The request shall contain, at a minimum, all of the following information:

(a) The requesting person's name, mailing address, and telephone number.

(b) The requesting person's interest in the matter, including assertions regarding the person's legal standing to request a declaratory ruling.

(c) The statute, rule, or order to which the request applies.

(d) A detailed statement of the actual uncontested facts to which the statute, rule, or order may apply. Drawings, sketches, photographs, illustrations, and maps may be attached to the form.

(2) Within 60 days of receipt of the request, the department shall take 1 of the following actions:

(a) Deny the request and state the reasons for the denial.

(b) Grant the request and issue the declaratory ruling.

~~(c) Advise the person requesting the ruling that further clarification of the facts must be provided, or that the department requires additional time to conduct a review, including, but not limited to, an on-site investigation.~~

~~(3) If subrule (2)(c)of this rule is invoked, the department shall either deny or grant the request within 60 days after receiving satisfactory clarification of facts from the requesting person or from the date the department notifies the requesting person of the need for additional time to investigate.~~

~~(4) The department shall issue a declaratory ruling only in matters where all relevant facts are stipulated to by the requesting party and appropriate division. If relevant facts necessary to issue a declaratory ruling are contested, then a declaratory ruling shall not be issued.~~

~~(5) A denial or adverse decision of a declaratory ruling does not entitle a person to a contested case hearing.~~

~~Epilogue~~

Conciliation Meeting Procedure

a) If a conciliation meeting is held, it shall be open to all interested parties and their representatives. The meeting may be adjourned to a mutually acceptable date or dates.

b) If the User or IPP Representative determines that the dispute cannot be resolved through the conciliation meeting process, the parties shall so inform the Chief Compliance Officer in writing and request a hearing in accordance with Section 3 of this Chapter. If future conciliation meetings are no longer needed, the Chief Compliance Officer shall notify the parties involved and issue a decision within fifteen (15) days, in writing, by mail, to the interested parties to the dispute.

c) If it is determined by all interested parties and the IPP Representative that the dispute has been satisfactorily resolved through the conciliation meeting process, within thirty (30) days of the last conciliation meeting, the IPP Representative shall reduce such resolution to the form of a written agreement or order for signature by the interested parties.

Article III HEARING PROCEDURE

Section VIII-103. Hearing Procedure

a) In the event a hearing is required pursuant to Sections 1 or 2(b) of this Chapter, the Chief Compliance Officer shall promptly appoint a disinterested hearing officer with suitable qualifications to conduct an administrative hearing and to receive testimony and evidence presented by the aggrieved party. The hearing officer shall also receive testimony and evidence from the Control Authority or others as he or she deems necessary.

b) The hearing officer shall conduct the hearing and file a written report of said hearing with the Chief Compliance Officer or his designee within thirty (30) days of his/her appointment. The hearing officer shall have the right to extend this thirty-day period for good cause. However, in such event, his/her report will be submitted to GLWA Chief Compliance Officer within fifteen (15) days of the conclusion of the hearing and the taking of testimony and evidence.

c) The hearing officer's report shall include a brief statement of factual matters at issue, the nature of the testimony and evidence received and shall include a recommendation to either uphold or modify the decision or action in question on such terms as the hearing officer deems equitable.

d) Upon receipt of the hearing officer's report, the Chief Compliance Officer shall render his/her decision in writing within fifteen days of the receipt of the report. In any event, the Chief Compliance Officer shall not be bound by the recommendation of the hearing officer. The decision of the Chief Compliance Officer shall be final and enforceable at law, unless the appeal involves a citation and a subsequent appeal is made within sixty (60) days and the Authority grants a review of the Chief Compliance Officer's decision. The decision of the Authority shall be final.

e) A person or Member Community aggrieved by a final decision of the Chief Compliance Officer or the Authority may petition to the Wayne County Circuit Court for judicial review. The petition shall be filed not later than sixty (60) days following the receipt of the final decision. An aggrieved person or municipality shall exhaust all administrative remedies provided in this Section before seeking judicial review.

f) With respect to the hearing conducted, the hearing officer shall not be bound strictly by the rules of evidence which would apply in a court of competent jurisdiction. The hearing officer shall have the authority to receive such evidence as he/she deems relevant and material and to give the evidence received such weight and probative value as, in the hearing officer's discretion, is deemed proper.

SAVINGS CLAUSE

If any provision, paragraph, section or article of these rules are invalidated by any court of competent jurisdiction, the remaining provisions, paragraphs, words, sections and articles shall not be affected and shall continue in full force and effect.

Approved:

Published:

Effective: