

Are You an Un-Permitted Wastewater Discharger?

The Michigan Department of Environmental Quality (DEQ) is offering a quick process for coming into compliance for dischargers who may be releasing wastewater or storm water to the ground or surface waters of the state without necessary permit coverage. The goal is to encourage facilities to comply with our water quality laws, especially Section 324.3112 of the Natural Resources Environmental Protection Act, 1994 PA 451, as amended. Facilities that have never had a permit and are discharging wastewater or storm water without necessary permit coverage may address past violations as they voluntarily submit a Certificate of Entry of the General Administrative Consent Order for Unpermitted Discharges, pay the applicable permit fee and a monetary penalty equal to two times the applicable permit fee, and meet all eligibility requirements. After an inspection by DEQ staff determines the facility is eligible, the facility owners must submit all of the following: a Certificate of Entry of the General Administrative Consent Order that resolves the past violations for discharging without a permit, the applicable permit fee, a monetary penalty equal to two times the permit fee, and a complete permit application within sixty days of submission of the Certificate of Entry.

Are you discharging without a necessary wastewater discharge permit? In order to make this determination, you will need to know the destination of your wastewater. There are three common destinations for wastewater:

- Direct discharge to surface waters of the state.
- Direct discharge to land that enters groundwater of the state.
- Indirect discharge of wastewater to waters of the state via a Publicly Owned Treatment Works (POTW) (wastewater treatment plant).

A direct discharge means that the wastewater goes into waters of the state (groundwater, streams, lakes, rivers, etc.) without treatment from a POTW. This includes through a storm sewer system that enters waters of the state (See Separate Sewer System picture on next page), a ditch or other conveyance. If your facility is an industrial facility with a direct discharge of storm water to waters of the state, then you may be subject to the National Pollutant Discharge Elimination System (NPDES) industrial storm water regulations.

Indirect discharges can enter a POTW through a sanitary sewer or through a combined sewer (See Combined Sewer System picture on following pages). When a sewer system is called "combined" it means that the sewers were designed to carry both storm water and non-storm water (i.e. sanitary and non-domestic source wastewater) to the POTW for treatment. If you are unsure whether your storm sewer system is combined, contact the municipality that owns and operates your system (usually a city or township, public works department). You can give them your address and they should be able to provide the storm and sanitary sewer destinations based upon maps of their sewer system.

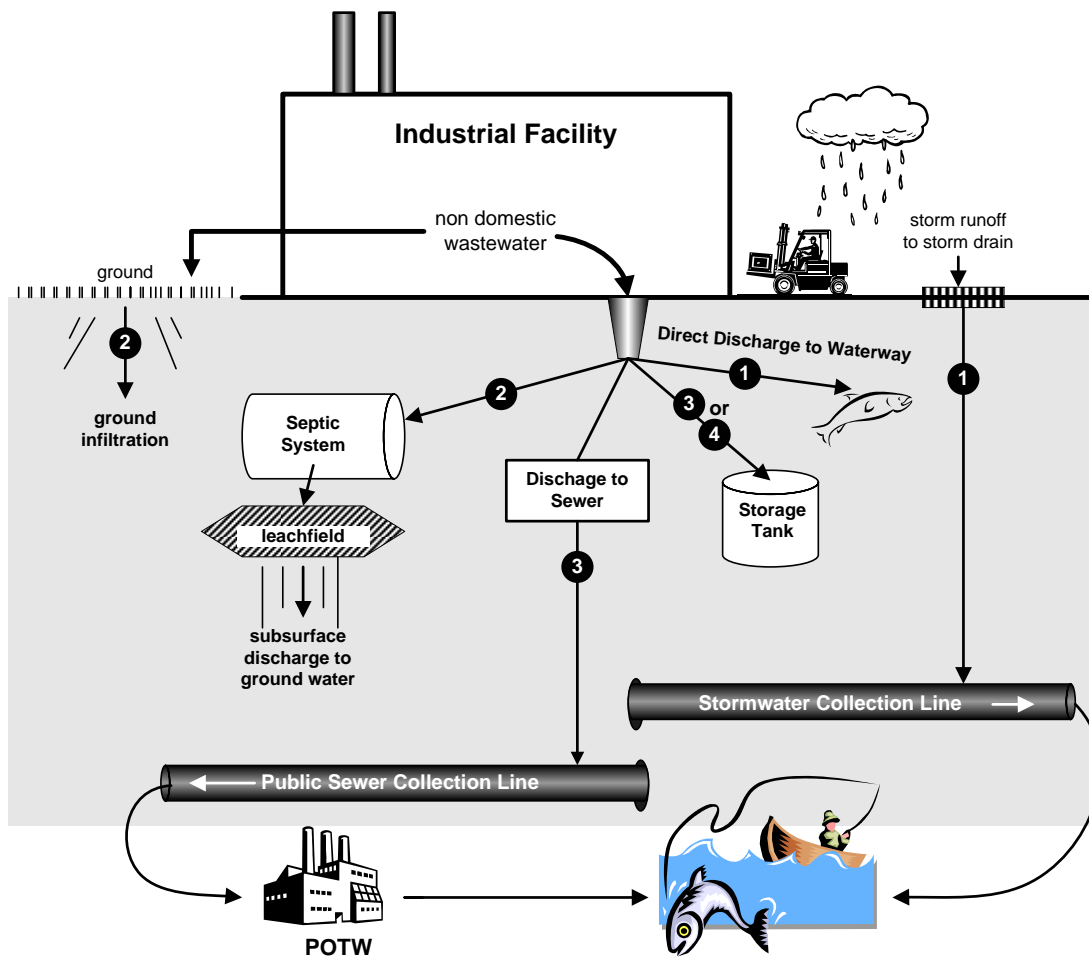
As to applicable regulatory programs based upon discharge destination:

If you have a direct wastewater discharge to surface waters of the state (including storm water associated with industrial activity), then you are regulated by the DEQ, [National Pollutant Discharge Elimination System](#).

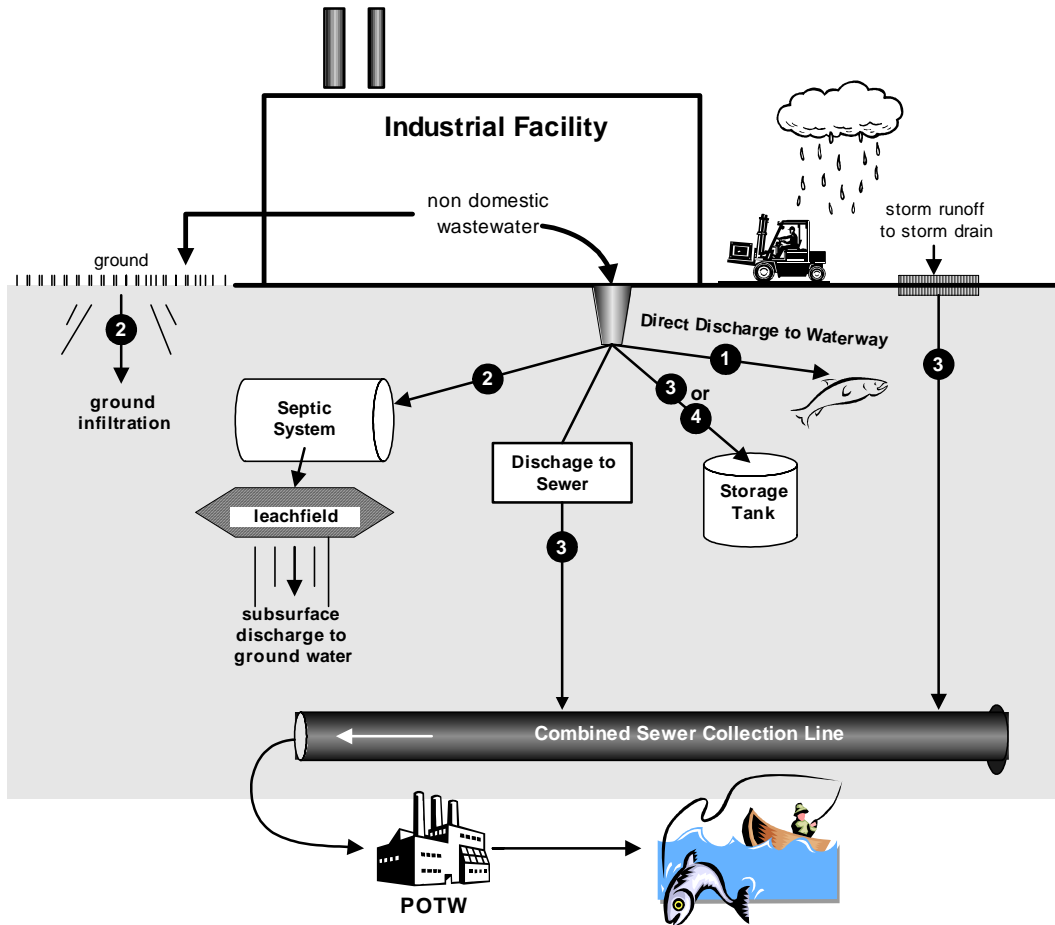
If your discharge destination is to land, and the water goes into the ground, then the applicable regulations are found within the DEQ, [Ground Water Discharge Permit Program](#) with the general exception of residential septic systems (with discharges less than 10,000 gallons per day). These residential systems are regulated by the local health departments.

If your wastewater goes to the POTW, then wastewater is regulated under user permits or ordinances of the POTW. In addition, if you are hauling the wastewater to the POTW, then requirements of the DEQ [Hazardous and Liquid Industrial Waste Transporter](#) Program may apply.

Separate Sewer System



Combined Sewer System



- 1 Subject to National Pollution Discharge Elimination System (NPDES) Permit Program
- 2 Subject to State Groundwater Permit program
- 3 Subject to Industrial User Permit program
- 4 Other waste disposal facility (i.e., hazardous or liquid industrial waste)

If you may have a non-permitted wastewater discharge direct to waters of the state and are subject to either the NPDES or the Groundwater Discharge Permit Program, then refer to the relevant guidance document for more information and instructions. (Found at www.michigan.gov/deqwater under "Surface Water," then "Enforcement")

[Guidance Document 2 of 4](#): NPDES, Storm Water from Industrial Activities General Permit

[Guidance Document 3 of 4](#): NPDES, Non-Storm Water, Surface Water Discharges

[Guidance Document 4 of 4](#): Groundwater Discharge Permit Program

This document was produced by the MDEQ Water Bureau in conjunction with the Environmental Science and Services Division and is intended for guidance only. Reliance on information from this document is not usable as a defense in any enforcement action or litigation.

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