

Certificate of Entry Groundwater Discharge Permit Program Guidance Document 4 of 4

Groundwater Discharge Permit Program

Are you discharging wastewater to the ground or groundwater without a necessary wastewater discharge permit?

The Michigan Department of Environmental Quality (DEQ) is offering an opportunity to dischargers who may be releasing waste or wastewater to the ground or groundwater of the state without necessary permit coverage to resolve violations of law and avoid enforcement actions. The goal is to encourage facility owners to comply with state and federal water quality laws, especially Sections 324.3109 and 324.3112 of the Natural Resources Environmental Protection Act, 1994 PA 451, as amended. Facilities that have never had a permit and are discharging waste or wastewater to the ground or groundwater 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 penalty, and meet all eligibility requirements for the permit selected. This waiver of violation does not extend to any damage to surface water, storm water or groundwater quality that may have occurred as a result of current or past discharges. If the Department discovers a facility discharging without the necessary permit authorization, the facility owner or discharger will be subject to the enforcement provisions contained in the statute. After an inspection by DEQ staff determines the facility is eligible, the facility owner must submit all of the following:

1. A Certificate of Entry of General Administrative Consent Order for Unpermitted Discharges that resolves the past violations for discharging without a permit.
2. The applicable annual permit fee determined by the criteria provided herein.
3. A monetary penalty equal to two times the applicable permit fee.
4. A complete permit application to be submitted within sixty days of entering the order.

The order will direct you where to send the Certificate of Entry form and the fee payment. The groundwater permit application must be forwarded to the following address:

Groundwater Permits Unit
Water Bureau
PO Box 30273
Lansing, MI 48909-8130

The Part 22 rules of Part 31 (Water Resources Protection) of Act 451 govern authorization to discharge to the groundwater in the state of Michigan. The discharge authorizations in the rules are established in order of relative threat to the environment, and the fee payment is set in the same manner. Certain activities are exempt from obtaining permits, listed in Rule 323.2210, while discharge authorizations are issued under Rules 323.2210(y) (site specific low volume discharge), 323.2211 (notification only), 323.2213 (notification with certification), 323.2215 (general permit), 323.2216 (permit with specific treatment system requirements) and 323.2218 (full permit). The following sections discuss the types of groundwater discharge authorizations that are available. In addition to the general information presented below, the groundwater discharge authorization application lists in greater detail the types of discharges that require permits. Instructions to apply for discharge permit coverage under this special initiative are included with the authorization information below.

Exemptions, Rule 2210

Certain discharges to the ground are exempt from needing authorization from the department, such as sanitary sewage that is discharged at less than six thousand gallons per day when the discharge is under the jurisdiction of the local county health department. There are other examples of exempt discharges including:

- Potable water used for domestic or domestic equivalent activities (Rule 2210(i)).
- Sanitary sewage less than 6,000 gallons per day, through a septic tank and tile field system, approved by the local health department. (Rule 2210(a)).
- Controlled application of certain dust suppressants (Rule 2210(b)).
- Temporary well dewatering water at construction sites (Rule 2210(e)).
- Swimming pool drainage and backwash if done in accordance with Act 368. (Rule 2210(n)).
- Confined animal feeding operations less than 5,000 animal units (Rule 2110(f)(g)).
- Monitoring well observation or evacuation water (Rule 2210(h)).
- Step test or pump test water from various sources (Rule 2210(j)).
- Heat pump wastewater where systems are rated as less than 300,000 BTU's per hour if there is no chemical additives (Rule 2210(l)).
- Portable Power Washer wastewater **that use no additives** from domestic sources or commercial operators (Rule 2210(m)).
- Non-contact cooling water **that has no additives** where there is less than 10,000 gallons per day, and where the source water was from a municipal water supply (or alternate approved source)(Rule 2210(q)).

A more complete list of these discharges can be found in the appendix and in the groundwater discharge authorization application. While the law and rules provide that a person does not need a permit for the discharge of the above discharges, the law also does not waive liability for causing injury to the waters of the state. Meaning the discharge cannot cause waters of the state to lose their usefulness for drinking, agriculture, recreation, industry, or other protected uses. Even though these activities do not require a permit, there are certain conditions that they must meet according to the law, including the following:

- A prohibition against causing physical damage to neighboring properties or creating nuisance conditions (i.e. runoff onto adjacent properties, ponding or flooding of adjacent properties, odors, etc.).
- A prohibition against creating a site of environmental contamination that would need to be cleaned up.

For these discharges an application form does not have to be submitted. In addition, some discharges to the ground or groundwater which are not specifically addressed under Rule 2210(y) may be authorized on a case-by-case basis. Such is the case if the applicant demonstrates to the department's satisfaction that the discharge will not have a significant potential to be injurious based on volume and constituents of the discharge. In order for the department to determine if a particular discharge exemption will be allowed, a discharger must submit an application form that includes a narrative description justifying the request for the Rule 2210(y) authorization with the permit application form.

APPLICATION FORM

As indicated previously, the Part 22 rules are arranged in order of relative threat to the environment. The following section lists the wastewater types that are included in each authorization that requires the discharger to submit an [application form](#). The application form is quite lengthy, but contains a great deal of guidance on how to apply for a permit and who needs a permit. An applicant actually fills out and submits only a small portion of the application packet. Pages 14-17 require general information, such as owner, facility address, site maps, etc. Page 17 contains the required signature block. There are two additional pages that must be filled out, each specific to the authorization. There is an index on page 18 which directs the applicant to the appropriate additional pages that must be included in the application. This section also describes any attachments that must also be included with the application.

Notification, Rule 2211

Some wastewater dischargers may be able to obtain an authorization to discharge by notification. These include:

<u>Wastewater Type</u>	<u>Daily Maximum Discharge, Gallons,</u>
Sanitary Sewage, septic tank/drain field	6,000 – 10,000
Laundromat	< 500
Non-contact Cooling Water, no additives	>10, 000
Fruit & Vegetable Washwater	<50,000
Portable Power Washer, no additives	
Pump Test Water	
Hydrostatic Test Water	
Commercial Animal Care	50 - 1,000

If you are discharging one of the above wastewater types to the ground without authorization, then complete the Certificate of Entry of General Administrative Consent Order process as described herein (Page 1); the applicable annual Permit Fee is \$200. Within sixty days, complete the groundwater discharge authorization application and submit it to the Department at the address indicated above. As long as the discharger certifies that they meet the individual rule criteria, a facility will be authorized to discharge at the time an adequate and complete application is received by the department. The WB will send the applicant an acknowledgement letter indicating whether the application was complete or deficient. If deficient, the deficiencies must be corrected before the discharge will be authorized.

Notification with Certification, Rule 2213

A notification with certification is required for specific discharges. These discharges include:

<u>Wastewater Type</u>	<u>Daily Maximum Discharge, Gallons</u>
Non-contact cooling water, with additives	< 10,000
Egg washing wastewater, may contain additives	< 10,000
Cooling water, may contain additives	< 5,000
Groundwater remediation, outside plume	

If you are discharging one of the above wastewater types to the ground without authorization, then complete the Certificate of Entry of General Administrative Consent Order process described herein (Page 1); the applicable annual Permit Fee is \$200. Within sixty days of entering the order, complete the groundwater discharge authorization and submit it to the Department. Within 60 calendar days of receiving a complete application form, the department will issue a certification verifying that the discharge is authorized or will indicate why the discharge can not be authorized to discharge under the rule.

General Permit, Rule 2215

An authorization for certain discharges can be granted by the department under a general permit.

<u>Wastewater Type</u>	<u>Daily Maximum Discharge, Gallons</u>
Above ground sewage disposal	< 10,000 (annual average)
Vehicle wash, not open to the public	< 2,000
Slaughterhouse	< 2,000 (annual average)
Gravel, sand, limestone, or dolomite mining, no additives	
Application of oil field brine	
Vehicle wash, open to public	< 3,000
Hydro-demolition	

If you are discharging one of the above wastewater types to the ground without authorization, then complete the Certificate of Entry of General Administrative Consent Order process described herein (Page 1); the applicable annual Permit Fee is \$1,500. Within sixty days, complete the groundwater discharge authorization and submit it to the Department. Information that demonstrates conditions required by the general permit must be provided with the permit application. A facility is authorized to discharge to the ground or groundwater when they receive a Certificate of Coverage from the department that verifies the discharge is authorized under this rule.

Permit for a Specific Discharge, Rule 2216

This type of authorization is granted for very specific discharges and treatment components, including:

<u>WASTEWATER TYPE</u>	<u>DAILY MAXIMUM DISCHARGE, GALLONS</u>
Sanitary Sewage, Constructed Wetland	less than 20,000
Sanitary wastewater, Alternative Treatment System	less than 20,000
Sanitary Sewage, Rule 2216 Design	less than 50,000
Laundromat Wastewater, Rule 2216 Design	less than 20,000

If you are discharging one of the above wastewater types to the ground without authorization, then complete the Certificate of Entry of General Administrative Consent Order process described herein (Page 1); the applicable annual Permit Fee is \$1,500. Within sixty days, complete the groundwater discharge authorization and submit it to the Department. The applicant is required to public notice the project and certifies in the application that it was done in accordance with Rule 2217(2). Typically facilities should obtain assistance from an environmental consultant for this type of coverage.

Discharge Permit, Rule 2218

Large volume or complex discharges that are not listed above must obtain authorization under Rule 2218. The following are some examples of discharges that require a 2218 permit.

Sanitary sewage (greater than 50,000 gallons per day)
Process wastewater
Cooling water, greater than 5,000 gallons per day with additives
Non-contact cooling without additives, greater than 10,000 gallons per day, source water not approved by the department.
Non-contact cooling water with additives, greater than 10,000 gallons per day.

If you are discharging a wastewater type not otherwise listed in the Part 22 rules to the ground without authorization, then complete the Certificate of Entry of General Administrative Consent Order process as described herein; the applicable annual Permit Fee is \$3,650.00. Within sixty days, complete the groundwater discharge authorization and submit it to the Department. Additional information, including a basis of design for the wastewater treatment system, discussion of alternatives to a groundwater discharge, wastewater characterization, a hydro-geological study and groundwater monitoring and a discharge management plan are required with the application, and facilities are strongly urged to obtain assistance from environmental consultants. The department has prepared [Guidesheets I-VI](#) that provide assistance to the applicant on the types and format of information that are required for this additional information.

Information and Contacts

If you have questions regarding the General Administrative Consent Order or the Certificate of Entry, then contact the Water Bureau's Enforcement Unit at 517-373-4621.

The application for groundwater discharge authorization, Guidesheets, and staff contacts can be found on the DEQ's web site (www.michigan.gov/deqwater, select "Ground Water Discharge"). For help with determining the need for a permit, selection of authorization type, or to request paper copies of any documents supporting the permit application, please contact Water Bureau's Groundwater Permits Unit of at 517-373-8148. The department strongly recommends that especially for discharges that are to be authorized under Rules 2216 and 2218, the applicant calls the Groundwater Permits Unit at the number above to schedule a preapplication meeting. The department's technical staff will meet with applicants to discuss their projects and help them with the application process. Hard copies of materials can be obtained from Water Bureau offices. In Lansing call 517-373-8148 or call the Environmental Assistance Center for assistance in locating your local district office 1-800-662-9278.

Appendix **EXEMPTIONS**

Pursuant to Rule 2210 the activities listed below are automatically authorized and are exempt from obtaining a further authorization from the department, provided the various requirements as summarized above are met. For more information about these requirements, refer to Rule 323.2204, which can be found online: www.michigan.gov/deqwater, select "Groundwater Discharge" then "Laws and Rules."

- (a) **Sanitary sewage** in either of the following circumstances if the sanitary sewage is not mixed with other waste:
 - (i) **The discharge is less than 1,000 gallons per day** and the disposal system is approved by the county, district, or city health department that has jurisdiction in accordance with either the requirements of the local sanitary code or the provisions of the publication entitled "Michigan Criteria for Subsurface Sewage Disposal," April 1994. Copies of the publication may be obtained without charge at the time of adoption of these Rules from the Michigan Department of Environmental Quality, Water Division, and P.O. Box 30630, Lansing, Michigan 48909.
 - (ii) **The discharge is less than 6,000 gallons per day**, the disposal system is designed and constructed in accordance with the provisions of the publication entitled "Michigan Criteria for Subsurface Sewage Disposal," April 1994, and the system is approved by the county, district, or city health department that has jurisdiction. Copies of the publication may be obtained without charge at the time of adoption of these Rules from the Michigan Department of Environmental Quality, Water Division, and P.O. Box 30630, Lansing, Michigan 48909.
- (b) **Controlled application of any of the following:**
 - (i) An authorized substance to suppress dust. The following are authorized substances:
 - (A) Water.

- (B) Calcium chloride.
 - (C) Lignosulfate products.
 - (D) Emulsified asphalt or resin stabilizers.
 - (E) Vegetable byproducts.
- (ii) A deicing substance.
 - (iii) A substance for a natural resource or right-of-way maintenance program.
 - (iv) A substance for a domestic activity.
 - (v) A commercially manufactured pesticide or fertilizer for its intended use.
- (c) **Stormwater**, other than from a secondary containment facility, when discharged through surface infiltration.
 - (d) **Stormwater** from a secondary containment facility that does not contain leaks or spills if the stormwater is inspected to ensure it meets the standards established in Rule 2222.
 - (e) **Water from a well used temporarily for dewatering at a construction site** if the water pumped does not create a site of environmental contamination under part 201.
 - (f) **A discharge from an animal feeding operation** that has less than 5,000 animal units if the discharge is determined by the director of the department of agriculture or his or her designated representative, to be in accordance with generally accepted agricultural and management practices, as defined in Act No. 93 of the Public Acts of 1981, as amended, being 286.471 to 286.474 of the Michigan Compiled Laws, and known as the Michigan right to farm act. For purposes of this Rule, 5,000 animal units is equal to 5,000 head of slaughter or feeder cattle, 3,500 mature dairy cattle, 12,500 swine weighing more than 25 kilograms or approximately 55 pounds, 50,000 sheep or lambs, 2,500 horses, 275,000 turkeys, 150,000 laying hens or broilers, or 25,000 ducks. An animal feeding operation is a lot or facility, or series of lots or facilities under one ownership which are adjacent to one another or which use a common area or system for the disposal of wastes, that meets both of the following conditions:
 - (i) Animals, other than aquatic animals, have been, are, or will be stabled or confined and fed or maintained for a total of 45 calendar days or more in any 12-month period.
 - (ii) Crops, vegetation, forage growth, or post harvest residues are not sustained in the normal growing season over the portion of the lot or facility where animals are confined.
 - (g) Less than 50 gallons of wastewater per day from a **commercial animal care facility**.
 - (h) **Observation or monitoring well development or evacuation water**.
 - (i) **Potable water used for a domestic or domestic equivalent activities** other than sanitary sewage disposal.
 - (j) **Step test or pump test water** from any of the following:
 - (i) A potable well or well used to develop a potable water supply.
 - (ii) A well producing water that meets state or federal criteria for use as potable water.
 - (iii) A test well where the quality of the test well discharge water is equal to or better than the background groundwater quality of the aquifer receiving the discharge.
 - (k) **Exfiltration from sanitary sewer collection systems**.
 - (l) **Wastewater from a heat pump** that has a heat exchange capacity of 300,000 Btu per hour or less if there is no chemical additive to the system.
 - (m) **Wastewater from a portable power washer** when used in either of the following circumstances:
 - (i) By the occupant of a household for washing buildings, vehicles, or other surfaces associated with the domestic occupation of the household.
 - (ii) By a commercial operator or in a commercial or industrial setting to remove nonpolluting substances from vehicles or surfaces when no additives are used and the washing process does not add significant pollutants to the water.
 - (n) **Swimming pool drainage and backwash water** discharged in accordance with sections 12521 to 12534 of Act No. 368 of the Public Acts of 1978, as amended, being 333.12521 to 333.12534 of the Michigan Compiled Laws.
 - (o) **Water treatment filter backwash water** if disposal is in accordance with plans and specifications approved by the department under Act No. 399 of the Public Acts of 1976, as amended, being 325.1001 et seq. of the Michigan Compiled Laws, and known as the Safe Drinking Water Act.
 - (p) **Carpet cleaning wastewater** discharged by a noncommercial operator or by a commercial operator at a site receiving wastewater from not more than one location where carpet cleaning has occurred.

- (q) **Less than 10,000 gallons per day of noncontact cooling water** that does not contain additives if the source of the cooling water is any of the following:
 - (i) A municipal water supply.
 - (ii) A water supply meeting state or federal criteria for use as potable water.
 - (iii) Another source of water meeting the standards of Rule 2222.
 - (iv) Another source approved by the department.
- (r) **Land application of process sludge from a wastewater treatment facility** treating sanitary sewage when applied in accordance with applicable state and federal law.
- (s) **Land application of process sludge from an industrial or commercial wastewater treatment facility** when authorized under R 299.4101 to R 299.4922, the administrative Rules implementing Part 115.
- (t) **Placement of other solid waste on the ground when authorized under Part 115.** This provision does not apply to the disposal of wastewater generated through the operation of a facility licensed under Part 115.
- (u) **Wastewater associated with an environmental response activity** described in any of the following paragraphs if the discharge is to the plume of groundwater contamination, including an area 100 feet hydraulically upgradient of the edge of the plume, and any additive used in the treatment process that is not part of the contamination plume meets the standards of Rule 2222:
 - (i) A pump test discharge that does not change the physical dimensions of the plume in groundwater or, if the dimensions are changed, the changes are accounted for in the design of the final groundwater remediation plan.
 - (ii) A remedial investigation, feasibility study, or remedial action discharge that is at or below the residential criteria authorized by section 20101a(1)(a) of the act, if applicable, or section 21304(a) of the act, if applicable.
 - (iii) A discharge for a remedial investigation, feasibility study, or remedial action above the residential criteria authorized by section 20101a(1)(a) of the act, if applicable, or section 21304(a) of the act, if applicable, if a remediation investigation, feasibility study, or remediation plan has been approved by the department division that has compliance oversight. The remediation plan must indicate that the treatment system is designed and will be operated so that contaminated groundwater will eventually meet the appropriate land usebased cleanup criteria authorized by section 20120a(1)(a) to (d) of the act, if applicable, or section 21304(a) of the act, if applicable.
- (v) **Precipitation and snow melt drainage off vehicles** discharged through a general-purpose floor drain in a parking structure in which maintenance activities do not occur.
- (w) A discharge that has been specifically authorized by the department under a permit if the permit was not issued under this part.
- (x) A discharge that occurs as the result of **placing waste materials on the ground in compliance with a designation of inertness issued under part 115 or leaving contaminated materials in place in compliance with part 201 or 213.**