MICHIGAN DEPARTMENT OF
ENVIRONMENT, GREAT LAKES, AND ENERGY

WASTEWATER PERMITTING AUTHORITIES – EXPLAINED

A GUIDE FOR LOCAL HEALTH DEPARTMENTS

The Michigan Department of Environment, Great Lakes, and Energy (EGLE) has prepared this document to assist local health departments (LHDs) when permitting sanitary sewage systems construction by exploring the relationship between local county, district, and/or city health departments permitting and EGLE.

GROUNDWATER RULES AND REGULATIONS

To understand the relationship between local permitting and EGLE, it is important to know the rules and regulations that EGLE operates under for groundwater discharges; specifically, Part 31 of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended (NREPA) and the Part 22 and Part 41 Administrative Rules.

Part 31
Water Resources Protection, contained in the NREPA, MCL 324.3101 et seq.

Part 31 governs **all** wastewater discharges to the waters of the state. EGLE administers this Act and all rules, guidelines, or policies adopted under it.

Part 22 Rules
Groundwater Quality, promulgated under Part 31 of the NREPA

Part 22 Rules define requirements for groundwater discharges and organize them into specific permit categories.

Part 41 Rules
Sewerage Systems, promulgated under Part 41 of the NREPA
Part 41 regulates the construction, operation, and maintenance of sewerage systems used, or intended for use, by the public (i.e., sewerage systems that serve two or more owners).

Why is this important to LHDs?

The Part 22 Rules authorize discharges of sanitary sewage not mixed with other waste when the discharge meets the following requirements and are regulated by either or both the LHD and EGLE:

- Sanitary sewage, not mixed with other waste, discharges of **less than 1,000** gallons per day (gpd) on average, approved by the LHD in accordance with the requirements of the local sanitary code or the Michigan Criteria for Subsurface Sewage Disposal, April 1994 Revision (MCSSD).

- Sanitary sewage, not mixed with other waste, discharges of **greater than 1,000** gpd but **less than 6,000** gpd approved by the LHD in accordance with the MCSSD.
- Sanitary sewage, not mixed with other waste, discharges of **greater than 6,000** gpd but **less than 10,000** gpd approved by the LHD in accordance with the MCSSD ***and*** issued a groundwater discharge permit through EGLE.
- Sanitary sewage, not mixed with other waste, utilizing constructed wetlands that discharges to a subsurface sewage system approved in accordance with the MCSSD for **less than 20,000** gpd ***and*** issued a groundwater discharge permit through EGLE.

Sanitary sewage is defined in Part 22 as "treated or untreated wastes that contain only human metabolic wastes or wastes generated and discharged as a result of domestic or restaurant activities."

Wastewater is defined in the Part 22 Rules as "liquid waste discharged directly or indirectly into the waters of the state or onto the ground that results from industrial and commercial processes or municipal operations, including liquid or water-carried process waste, cooling and condensing waters, and sanitary sewage."

How are LHD permits and Part 22 Rules associated?

All groundwater discharges, including those permitted solely by LHD, must meet the requirements of Rule 2204 of the Part 22 Rules. Rule 2204 covers general discharge requirements. This includes, in part, that the discharge shall not be, or not likely to become, injurious; and that a facility, as defined by Part 201, Environmental Remediation, of the NREPA, cannot be created.

What does an EGLE groundwater discharge permit cover?

EGLE groundwater discharge permits are issued for a range of flow volumes, treatment systems, discharge methods, and wastewater strengths. Part 22 Rules cover many types of wastewater besides sanitary discharges. These include activities such as food processing, car washes, animal care, laundromats, slaughterhouses, wineries, breweries, small cheese operations, creameries, etc.

WHAT OTHER PERMITS MAY BE REQUIRED FOR A WASTEWATER DISCHARGE?

Part 41 establishes authority for EGLE's Water Resources Division (WRD) to review plans and specifications, issue construction permits, and to assure the proper operation and maintenance of sewerage systems used, or intended for use, by the public (i.e., systems that are for two or more owners of properties served by the sewerage system). Part 41 does not apply to single-family homes with individual onsite sewage systems, developments with only one owner (i.e., apartment complex or manufactured housing communities), or condominium projects where individual owners are responsible for maintenance of their individual onsite sewage system. Part 41 construction permits are not restricted by flow volume and are required by all sewerage systems used, or intended for use, by the public. Part 41 construction permit staff may participate in the permit review process, but Part 41 permits are issued after the wastewater discharge permit (either through EGLE or the LHD) is issued. This ensures that the proposed collection and treatment systems are designed to discharge wastewater to the waters of the state that is protective of public health and the environment by meeting the applicable standards of the laws, rules and issued discharge permit. EGLE Part 41 Program staff should be consulted when determining if a proposed development is subject to Part 41. EGLE Drinking Water and Environmental Health Division (DWEHD) Onsite Wastewater Program staff can assist with coordination of this consultation.

> Public systems include more than just county, city, village, or township municipalities. With regard to Part 41, public systems also include privately-owned systems that serve the public. Examples include, **multiple** households or businesses owned by separate persons that discharge to a common subsurface sewage system; and systems that serve two or more families, condominiums, and shopping centers owned by more than one person.

A construction authorization from EGLE is also required for wastewater system construction at manufactured housing communities according to the Mobile Home Parks and Seasonal Mobile Home Parks rules (R 325.3311 et seq.). These reviews are completed by EGLE Part 41 Program staff and are similar in scope to a Part 41 review and may include a permit issued by the local health department for systems less than 10,000 gpd.

Who should the LHD contact for assistance with implementing or writing variances to the MCSSD, or before granting variances?

As the LHD is approving sanitary sewage permits under the MCSSD, any assistance can be through direct consultation with EGLE's Drinking Water and Environmental Health Division (DWEHD), Onsite Wastewater Program. The LHD should consult with the EGLE Onsite Wastewater Program for support on any variance issued to the MCSSD. A record of this consultation shall be kept, and a written variance be documented on the LHD permit. The variance shall document the physical characterizations of the site, reasons for requesting the variance, justification for granting the variance, and sufficient information to verify the protection of public health, surface, and groundwater.

Who should the LHD contact for coordination when it appears that a groundwater discharge permit would be required through EGLE?

EGLE recommends that the LHD contact the groundwater compliance staff member that serves the applicable county. Contact information for EGLE Groundwater Compliance Staff can be found at Michigan.gov/GroundwaterDischarge. Additional information for EGLE WRD permitting, and compliance can be found on the state database called MiEnviro. The compliance staff can aid the LHDs with any questions they have regarding rules and laws in the NREPA. When working with a person needing an EGLE WRD permit, the compliance staff will help the person create an account in MiEnviro, direct them to apply for the correct permits, and connect them with the appropriate staff within EGLE.

How does EGLE review groundwater discharge permit applications?

EGLE's WRD has a variety of staff that looks at different aspects of the wastewater discharge and then works together to develop a permit that is protective of groundwater. Some of the staff that work together on permits include permit coordinators that review applications; soil scientists that review the discharge method to the ground; hydrogeologists that review potential groundwater impacts; engineers that review treatment design; toxicologists that review any additives; and aquatic biologists that review potential impacts to surface water if the discharge vents to a surface water of the state.

What happens after an EGLE discharge permit is issued?

During the effective life of the permit, which is not more than five years, EGLE may require a variety of monitoring and reporting information based on the strength and volume of the wastewater. However, all permits are required to report flow volumes. Prior to the permit expiring, the permittee must apply for reissuance of the permit and the WRD will review the discharge to make sure it complies with the Part 22 Rules. If the discharge is determined to comply with the Part 22 Rules, the permit is reissued. Additional information on how to submit an application can be found at Michigan.gov/MiEnviro.

How can I find information for sites that currently have an EGLE permit?

The Site Map Explorer found in MiEnviro provides public access to all permit related information. Directions on how to use the MiEnviro Site Map Explorer can be found at Michigan.gov/MiEnviro. Site Map Explorer can be used to search for facility names, addresses and to view all publicly available documents associated with a site. Additionally, there is a Public Notice Search function found at this website that will list out all of the WRD permits that are currently on Public Notice and open for comments. Any complaints about an EGLE permitted wastewater system can be submitted through MiEnviro. Simply click on the Report Spills, Pollution, Unauthorized Activities section of the MiEnviro homepage, click the "Report Spill/Incident/Pollution" button and the complaint form will open. EGLE representatives can also be contacted through the Environmental Assistance Center at 800-662-9278 or for Pollution Emergencies only at 800-292-4706.

ADDITIONAL RESOURCES

Specific Groundwater Discharge Statutes and Rules can be found at **Michigan.gov/GroundwaterDischarge**.

MiEnviro, the state database that hosts information for WRD Permitting and Compliance, can be accessed at Michigan.gov/MiEnviro.

EGLE's DWEHD Onsite Wastewater Program can be found at **Michigan.gov/EGLEOnsiteWastewater**. Links to the Michigan Criteria for Subsurface Sewage Disposal and the On-site Water Supply and Sewage Disposal Rules for Land Divisions and Subdivisions can be found here under the heading "Laws and Rules."

EGLE's Remediation and Redevelopment Division web page, Michigan.gov/EGLERemediation, contains links to the regulation governing Part 201 on their Remediation and Investigation page, along with the definition of a "facility," under the Laws and Rules section.

Assistance information for the Michigan Department of Licensing and Regulatory Affairs (LARA), Mobile Homes, can be found by visiting LARA's Bureau of Construction Codes web page (**Michigan.gov/BCC**). The regulation governing Mobile Homes can be found in the Mobile Home Commission Act, Act 96 of 1987, and Mobile Home Parks and Seasonal Mobile Home Parks Administrative Rules (R 325.3311 to R 325.3393).

REGULATORY STRUCTURE FOR WASTEWATER DISCHARGES AND EXAMPLES

The following tables explain which regulatory agency has jurisdiction over a discharge and/or a construction permit based on different flow volumes, system designs, and wastewater types. Each table explores the regulating agency, the applicable regulation(s) in addition to Part 31, the permit(s) that the discharger would typically be required to obtain, and whether monitoring must be reported to EGLE. The following are just examples and do not represent an all-inclusive list. Please contact EGLE WRD staff with any questions you may have.

Sanitary Sewage Discharges: 0 – 1,000 gallons per day on average

SANITARY SEWAGE ONLY - Not mixed with other wastewater.

System Use or Type	Regulating Agency	Applicable Regulation	Permit	EGLE Reporting
Single/Two-Family Residential with Subsurface Sewage System	LHD	Local Code*	LHD Construction Permit	None
Single Owner of a Development with a Subsurface Sewage System serving Multiple Users (i.e., apartments)	LHD	MCSSD	LHD Construction Permit	None
A Development with a Subsurface Sewage System intended for use by Multiple Persons that each own serviced properties (i.e., condominium)	LHD EGLE WRD	Local Code* or MCSSD Part 41	LHD Construction Permit Part 41 Permit, if applicable	None
Non-Residential (ex. Commercial/Industrial) with Subsurface Sewage System	LHD	Local Code* or MCSSD	LHD Construction Permit	None
Constructed Wetland or Alternative System with Subsurface Sewage System	LHD EGLE WRD	Local Code*, if allowed Part 41	LHD Construction Permit Part 41 Permit, if Applicable	None
Above Land Disposal (i.e., overland flow, spray irrigation, rapid infiltration basin)	EGLE WRD	Part 22 Part 41	Groundwater Discharge Permit Part 41 Permit, if Applicable	Required

* Site suitability of subdivisions, condominiums, and certain land divisions less than one acre (that do not fall under Part 41) may apply in accordance with EGLE Administrative Rules for On-site Water Supply and Sewage Disposal for Land Divisions and Subdivisions (R 560.401 - R 560.428)

Wastewater Discharges: 0 – 1,000 gallons per day on average

May or may not be mixed with sanitary sewage.

System and Wastewater Type	Regulating Agency	Applicable Regulation	Permit	EGLE Reporting
< 500 GPD Laundromat Wastewater	EGLE WRD	Part 22	Groundwater Discharge Permit	Required
Commercial Animal Care Discharge between 50 GPD - 1,000 GPD	EGLE WRD	Part 22	Groundwater Discharge Permit	Required
Egg Washing Discharge	EGLE WRD	Part 22	Groundwater Discharge Permit	Required
Food Processing Wastewater	EGLE WRD	Part 22	Groundwater Discharge Permit	Required
Marijuana Grow Operations	EGLE WRD	Part 22	Groundwater Discharge Permit	Required
Meat Processing and Slaughterhouse Wastewater	EGLE WRD	Part 22	Groundwater Discharge Permit	Required
Craft Beverages Wastewater (Wineries/Breweries/Cider)	EGLE WRD	Part 22	Groundwater Discharge Permit	Required

Regulatory Structure for Sanitary Sewage: 1,000-6,000 gallons per day on average

SANITARY SEWAGE ONLY- Not mixed with other wastewater

System and Wastewater Type	Regulating Agency	Applicable Regulation	Permit	EGLE Reporting
Development with a Subsurface Sewage System intended for use by more than two persons that each own serviced properties	LHD EGLE WRD	MCSSD Part 41	LHD Construction Permit Part 41 Permit, if applicable	None
Mobile Home Park or Campground with Subsurface Sewage System	DLARA EGLE DWEHD LHD EGLE WRD	DLARA or EGLE annual license- MCSSD MHP Rules	DLARA/LHD/EGLE Construction Permit MHP Sanitary Design Approval	None
Hospitals, Homes for the Aged, and Nursing Homes with Subsurface Sewage System	DLARA LHD	DLARA annual license MCSSD	LHD Construction permit	None
Commercial/Industrial with Subsurface Sewage System	LHD	MCSSD	LHD Construction Permit	None
Constructed Wetland or Alternative System with Subsurface Sewage System	LHD EGLE WRD	MCSSD Part 41	LHD Construction Permit Part 41 Permit, if applicable	May be Required
Above Land Disposal (i.e., overland flow, spray irrigation, rapid infiltration basin)	EGLE WRD	Part 22 Part 41	Groundwater Discharge Permit Part 41 Permit, if applicable	Required

WASTEWATER EXAMPLES- May or may not be mixed with sanitary sewage

System and Wastewater Type	Regulating Agency	Applicable Regulation	Permit	EGLE Reporting
Food Processing Wastewater	EGLE WRD	Part 22	Groundwater Discharge Permit	Required
Marijuana Grow Operations	EGLE WRD	Part 22	Groundwater Discharge Permit	Required
Egg Washing Discharge	EGLE WRD	Part 22	Groundwater Discharge Permit	Required
Meat Processing and Slaughterhouse Wastewater	EGLE WRD	Part 22	Groundwater Discharge Permit	Required
Craft Beverages Wastewater (Wineries/Breweries/Cider)	EGLE WRD	Part 22	Groundwater Discharge Permit	Required

Regulatory Structure for Wastewater: 6,000-10,000 gallons per day on average

SANITARY SEWAGE ONLY- Not mixed with other wastewater

System and Wastewater Type	Regulating Agency	Applicable Regulation	Permit	EGLE Reporting
Development with a Subsurface Sewage System intended for use by more than two persons that each own serviced properties	LHD EGLE WRD	MCSSD Part 22 Part 41	LHD Construction Permit Groundwater Discharge Permit Part 41 Permit, if applicable	Required
Mobile Home Park or Campground with Subsurface Sewage System	DLARA LHD EGLE WRD EGLE DWEHD	DLARA or EGLE License MCSSD Part 22 MHP Rules	LHD/EGLE Construction Permit Groundwater Discharge Permit MHP Sanitary Design Approval	Required
Hospitals, Homes for the Aged, and Nursing Homes with Subsurface Sewage System	DLARA LHD EGLE WRD	DLARA License MCSSD Part 22	LHD Construction Permit Groundwater Discharge Permit	Required
Commercial/Industrial and other non-residential use structures with Subsurface Sewage System	LHD EGLE WRD	MCSSD Part 22	LHD Construction Permit Groundwater Discharge Permit	None
Constructed Wetland or Alternative System with Subsurface Sewage System	LHD EGLE WRD	MCSSD Part 22 Part 41	LHD Construction Permit Groundwater Discharge Permit Part 41 Permit, if applicable	Required
Above Land Disposal (i.e., overland flow, spray irrigation, rapid infiltration basin)	EGLE WRD	Part 22 Part 41	Groundwater Discharge Permit Part 41 Permit, if applicable	Required

WASTEWATER EXAMPLES- May or may not be mixed with sanitary sewage

System and Wastewater Type	Regulating Agency	Applicable Regulation	Permit	EGLE Reporting
Food Processing Wastewater	EGLE WRD	Part 22	Groundwater Discharge Permit	Required
Marijuana Grow Operations	EGLE WRD	Part 22	Groundwater Discharge Permit	Required
Egg Washing Discharge	EGLE WRD	Part 22	Groundwater Discharge Permit	Required
Meat Processing and Slaughterhouse Wastewater	EGLE WRD	Part 22	Groundwater Discharge Permit	Required
Craft Beverages Wastewater (Wineries/Breweries/Cider)	EGLE WRD	Part 22	Groundwater Discharge Permit	Required

Regulatory Structure for Sanitary Sewage: >10,000 gallons per day on average

System and Wastewater Type	Regulating Agency	Applicable Regulation	Permit	EGLE Reporting
Sanitary Sewage <20,000 GPD Treated through Alternative Treatment Systems	EGLE WRD	Part 22 Part 41	Groundwater Discharge Permit Part 41 Permit, if applicable	Required
Sanitary Sewage < 50,000 GPD Treated through physical, chemical, and/or biological treatment	EGLE WRD	Part 22 Part 41	Groundwater Discharge Permit Part 41 Permit, if applicable	Required
Sanitary Sewage > 50,000 GPD	EGLE WRD	Part 22 Part 41	Groundwater Discharge Permit Part 41 Permit, if applicable	Required
Sanitary Sewage <20,000 GPD utilizing a constructed wetland followed by a drain field	EGLE WRD LHD**	Part 22 MCSSD Part 41	Groundwater Discharge Permit LHD Construction Permit for drain field Part 41 Permit, if applicable	Required

**Rule 323.2216 (2)(a)(xvi), states in part, “If the county, district, or city health department that has jurisdiction chooses not to review the tile field design, then the department shall review and approve the system under this subrule.

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