MICHIGAN DEPARTMENT OF
ENVIRONMENT, GREAT LAKES, AND ENERGY

UNDERSTANDING TOTAL MAXIMUM DAILY LOAD (TMDL) REQUIREMENTS

STATE OF MICHIGAN INDUSTRIAL STORMWATER PROGRAM

BACKGROUND

The Michigan Department of Environment, Great Lakes, and Energy's (EGLE) Water Resources Division (WRD) is required to develop a TMDL when a waterbody is negatively impacted by a pollutant to the point that the waterbody does not meet established designated uses. A TMDL is a document that describes the impacts from a pollutant and the measures that WRD will take to reduce sources of the pollutant. Once a TMDL is approved by the United States Environmental Protection Agency, the WRD is required to implement applicable waste load allocations consistently across the National Pollutant Discharge Elimination System (NPDES) permit programs. Additional information related to TMDLs can be found at Michigan.gov/TMDL.

REQUIREMENTS FOR INDUSTRIAL STORMWATER PERMITTEES

Industrial stormwater permittees are required by their NPDES permit to identify and address the TMDL pollutant(s) that is associated with the receiving water through their StormWater Pollution Prevention Plan (SWPPP). Permittees operating under a NPDES general permit will have applicable TMDLs listed on their Certificate of Coverage (COC) and the permit language will state the following:

> "The permittee shall implement nonstructural and/or structural controls to reduce the discharge of the pollutant(s) associated with any TMDL(s) identified in the COC. The SWPPP shall include a list of all TMDL(s) identified in the COC, as well as references to control measures already listed in the SWPPP intended to reduce the discharge of the TMDL pollutant. The implementation of an acceptable SWPPP shall meet the control measure expectations of all TMDL(s) identified on the COC; however, the WRD may require additional control measures if it is determined that the stormwater discharge is negatively impacting the applicable TMDL(s). If no TMDLs are identified on the COC, this condition does not apply."

In most situations, the implementation of an acceptable SWPPP will be sufficient to comply with the TMDL requirements in the NPDES permit. However, it is important for permittees to understand that the WRD may require analytical stormwater sampling in the event additional information is needed to ensure the discharge is in compliance with the TMDL requirements of the NPDES permit.

The following scenarios could warrant stormwater discharge sampling to be required:

- The permittee's industrial activity has a reasonable potential to discharge elevated concentrations of the pollutants identified in the TMDL.
- The WRD inspector suspects or has evidence to suggest the stormwater discharge from the site is negatively impacting the TMDL.

The WRD's authority to require additional sampling is specifically identified in the NPDES permit and in the Part 21 Rules, Wastewater Discharge Permits, promulgated pursuant to Part 31, Water Resources Protection, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended (NREPA).

Specifically, NPDES permit, Part II, Section D.10 Duty to Provide Information states:

> "The permittee shall furnish to WRD via MiEnviro, within a reasonable time, any information which the WRD may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit or the facility's COC, or to determine compliance with this permit. The permittee shall also furnish to the WRD, upon request, copies of records required to be kept by this permit."

Rule 323.2154 (3) of Part 21 states:

> The frequency of monitoring of a waste or wastewater discharge required to be monitored pursuant to this rule shall be specified in a state or national permit when issued, except that the WRD at any time may require additional monitoring by notification of the permittee in writing.

If the permittee is required by WRD to conduct stormwater sampling, the WRD Short Term StormWater Characterization Study (STSWCS) Plan template available on the WRD Industrial Stormwater webpage should be used to ensure the plan includes all appropriate information.

WHERE TO GO FOR HELP

Given the information within this document, and questions regarding TMDLs as they relate to the Industrial Stormwater Program or what is required by the NPDES permit, contact your WRD Industrial Stormwater Compliance District staff.

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