

Wastewater Permit Rules Revisions Enacted

The Michigan Department of Environmental Quality (MDEQ) has enacted revisions to its wastewater permit rules. The revised rules, known as the “Part 21” rules, became effective May 15, 2003. The revised rules are largely designed to make the Part 21 rules consistent with recent changes to federal law (1) requiring owners or operators of construction sites in 1 – 5 acres in size to obtain storm water discharge permits (the permit requirement previously applied to construction sites of 5 acres or larger) and (2) regulating storm water discharges from storm sewers operated by small municipalities (less than 100,000 population).

Among other things, the revised rules:

- Redefine construction activities to provide that owners or operators of construction sites that are 1 – 5 acres in size must obtain storm water permits.
- Establish permit application requirements for owners or operators of construction sites that are 1 – 5 acres in size.
- Expand MDEQ’s authority to issue storm water permits to small municipalities (less than 100,000 population) in urbanizing areas. An “urbanizing area” is “an area of contiguous census blocks with population densities of 1,000 persons or more per square mile that together have a population of 10,000 people or more, as determined by the latest available decennial census.”
- Establish criteria by which MDEQ may determine that small municipalities outside urbanizing areas must obtain storm water permits.
- Incorporate an exemption from the storm water permit requirement, already available under federal law, for storm water discharges associated with industrial activity where the storm water is not exposed to industrial materials or activities.

- Update the language of the Part 21 rules by replacing long-outdated references to the Water Resources Commission, the Michigan Department of Natural Resources, and Act 245 (the old Water Resources Commission Act).
- Delete the requirements that MDEQ must send: (1) to the U.S. Environmental Protection Agency, a copy of all applications for permits to discharge to surface waters and; (2) to the state Department of Public Health, a copy of all applications for permits to discharge to surface or ground waters.

Kenneth C. Gold