

DEPARTMENT OF ENVIRONMENTAL QUALITY

SURFACE WATER QUALITY DIVISION

WASTEWATER REPORTING

(By authority conferred on the department of environmental quality by section 3111 of Act No. 451 of the Public Acts of 1994, as amended, and Executive Reorganization Order No. 1995-16, being §§324.3111 and 324.99903 of the Michigan Compiled Laws)

R 299.9001 Definitions; A to L.

Rule 1. As used in these rules:

(a) "Act" means Part 31 of Act No. 451 of the Public Acts of 1994, as amended, being §§324.3101 et seq. of the Michigan Compiled Laws.

(b) "Annual usage threshold" means the quantity as listed on table 1. of R 299.9003 above which a person shall report the use of a critical material under these rules.

(c) "Carcinogen" means a substance which causes an increased incidence of benign or malignant neoplasms in animals or humans or that substantially decreases the time in which neoplasms develop in animals or humans.

(d) "Critical materials" means organic and inorganic substances listed in table 1. of R 299.9003.

(e) "Department" means the director of the department of environmental quality or his or her designee to whom the director delegates a power or duty by written instrument.

(f) "Location" means an industrial or commercial operation that is located on a contiguous site and under the control of the same person.

History: 1991 AACCS; 1997 AACCS; 2000 AACCS.

R 299.9002 Definitions; P to W.

Rule 2. As used in these rules:

(a) "Person" means an individual, partnership, association, corporation, or any commercial or industrial entity doing business in the state that discharges wastewater, but does not include a municipal corporation or a governmental unit or agency, or automotive service station, laundromat, or car wash.

(b) "Process material" means a material or combination of two or more chemicals that is used or produced at a location.

(c) "Reagent" means a substance used in a chemical reaction designed to detect, measure, examine, or produce other substances.

(d) "Sewer system" means enclosed pipes and conduits which conduct wastewater to a wastewater treatment facility owned or operated by a private entity or by a county, metropolitan district, city, village, or other public body created under state law.

(e) "Wastewater" means liquid waste discharges resulting from industrial or commercial processes, including contact cooling and condensing waters, but excludes noncontact cooling water, sanitary sewage, and stormwater runoff that does not come in contact with process materials, products, or by-products.

(f) "Waters of the state" means all waters within the jurisdiction of the state including all of the following:

(i) Groundwaters.

(ii) Lakes.

(iii) Rivers.

(iv) Streams.

(v) All other watercourses and waters.

(vi) The Great Lakes bordering the state.

History: 1991 AACS; 1997 AACS; 2000 AACS.

R 299.9003 Register of critical materials.

Rule 3. The following 1999 register of critical materials consists of the chemicals in table 1.:

Table 1. Register Of Critical Materials.

Chemical Name	Note Number	Parameter Usage	Annual
Threshold (In Pounds)			
tributyltin (and salts and esters)		3	Class 06-3 10
polychlorinated naphthalenes			Class 06-6 10
ddt (p,p', o,p' and technical grade)		2,3	00050-29-3 10
benzo(a)pyrene		2	00050-32-8 10
dibenz(a,h)anthracene		2	00053-70-3 10
benz(a)anthracene		2	00056-55-3 10
chlordane		2,3	00057-74-9 10
dieldrin		2,3	00060-57-1 10
chloroform		2	00067-66-3 100
hexachloroethane		2	00067-72-1 10
benzene		2	00071-43-2 100
endrin		3	00072-20-8 10
methoxychlor		3	00072-43-5 10
p,p'-tde (p,p'-ddd)		2,3	00072-54-8 10
p,p'-dde		2,3	00072-55-9 10
vinyl chloride		2	00075-01-4 100
methylene chloride		2	00075-09-2 10
1,1-dichloroethylene			00075-35-4 100
heptachlor		2,3	00076-44-8 10
trichloroethylene		2	00079-01-6 100
1,2,3-trichlorobenzene			00087-61-6 10
hexachlorobutadiene		2	00087-68-3 10
pentachlorophenol (and salts)		2	00087-86-5 10
3,3'-dichlorobenzidine		2	00091-94-1 10
1,2,4,5-tetrachlorobenzene			00095-94-3 10
2,4,5-trichlorophenol			00095-95-4 10
styrene (monomer)		2	00100-42-5 100
4,4'-methylenebis (2-chloroaniline)		2	00101-14-4 10

Table 1. Register Of Critical Materials (continued).

Chemical Name	Note Number	Parameter Threshold	Annual Usage
(In Pounds)			
4-bromophenyl phenylethe			00101-55-3 10
1,4-dichlorobenzene		2	00106-46-7 100
1,2-dichloroethane		2	00107-06-2 100

toluene		00108-88-3	100
chlorobenzene		00108-90-7	100
di-n-octyl phthalate		00117-84-0	10
hexachlorobenzene	2	00118-74-1	10
1,2,4-trichlorobenzene		00120-82-1	10
tetrachloroethylene	2	00127-18-4	100
aldrin	2,3	00309-00-2	10
1,3-dichlorobenzene		00541-73-1	10
hexachlorocyclohexane (all isomers)	2,3	00608-73-1	10
1,2,3,4-tetrachlorobenzene		00634-66-2	10
1,2,3,5-tetrachlorobenzene		00634-90-2	10
heptachlor epoxide	2,3	01024-57-3	10
xylene (all isomers)		01330-20-7	100
polychlorinated biphenyls (pcb)	2	01336-36-3	10
trifluralin	2,3	01582-09-8	10
2,3,7,8-tcdd (and congeners)	2	01746-01-6	10
mirex	2,3	02385-85-5	10
2,4,5-trichlorotoluene		06639-30-1	10
lead	1	07439-92-1	100
mercury	1	07439-97-6	10
nickel	1	07440-02-0	100
silver	1	07440-22-4	100
arsenic	1,2	07440-38-2	100
beryllium	1	07440-41-7	100
cadmium	1	07440-43-9	100
chromium	1	07440-47-3	100
copper	1	07440-50-8	100
zinc	1	07440-66-6	100
selenium	1	07782-49-2	100
toxaphene	2,3	08001-35-2	10
octachlorostyrene		29082-74-4	10
2,3,7,8-tcdf (and congeners)	2	51207-31-9	10
polybrominated biphenyls (pbb)	2	67774-32-7	10

1. All compounds containing the listed elements shall also be reported.
2. Carcinogens.
3. Pesticides.

History: 1991 AACs; 2000 AACs.

R 299.9004 Wastewater reports; contents and forms.

Rule 4. (1) A wastewater report or an abbreviated wastewater report shall be filed pursuant to section 3111 of the act by every person doing business within this state who either discharges wastewater to the waters of the state or to a sewer system.

(2) The wastewater report shall be on forms provided by the department and shall set forth all of the following information in detail:

- (a) Name, location, and nature of the enterprise or operation.
- (b) An indication of whether the report claims chemical identity as a trade secret and/or the process is a proprietary manufacturing process.
- (c) An estimate of the annual total number of gallons of wastewater discharged to the waters of the state or to any sewer system.
- (d) Name of the waters of the state or sewer system into which wastewater is discharged.

(e) An estimate of the annual amount of each critical material (in ranges of pounds) used in and incidental to the manufacturing processes at the location for those critical materials that exceed the annual usage threshold.

(f) An estimate of the annual amount of each critical material (in ranges of pounds) discharged to the waters of the state or to any sewer system.

(g) An estimate of the annual amount of each critical material (in ranges of pounds) reported under subdivision (e) of this subrule that was disposed of as a waste product or by-product and transferred to off-site locations.

(h) The signature of a senior management official or owner/operator certifying the form is true and accurate to the best of his or her knowledge.

(i) Other ministerial information as needed to implement the provisions of section 3111 of the act.

(3) A person required to file a wastewater report pursuant to subrule (1) of this rule may file an abbreviated wastewater report under both of the following conditions:

(a) The person does not use critical materials in or incidental to the manufacturing processes in excess of the annual usage threshold.

(b) The person does not discharge critical materials other than discharges exempted under R 299.9006(3) or (4).

(4) The abbreviated wastewater report referred to in subrules (1) and (3) of this rule shall be on forms provided by the department and shall set forth all of the following information:

(a) Name, location, and nature of the enterprise or operation.

(b) An acknowledgement that the person has a discharge of wastewater to the waters of the state or to any sewer system.

(c) An acknowledgement that the person meets the conditions specified in subrule (3) of this rule.

(d) The signature of a senior management official or owner/operator certifying the form is true and accurate to the best of his or her knowledge.

(5) Not later than April 25 of the year following the calendar year for which reports are due, the department shall mail a standardized wastewater reporting form, including the abbreviated form, and the register of critical materials to each person who is affected by the provisions of section 3111 of the act.

History: 1991 AACS; 2000 AACS.

R 299.9005 Wastewater reports; filing and confidentiality.

Rule 5. (1) A wastewater report shall be filed annually with the department not later than August 1. The reporting period is the calendar year before the year in which the report is filed.

(2) If a person becomes aware of an error or omission in a previously filed report, then the person shall promptly file an amended report correcting the error or omission.

(3) A person doing business in more than 1 location shall file a separate report for each location.

(4) Information about the critical materials contained in a wastewater report as being used in and incidental to manufacturing processes shall be available to the public except for the usage information which the person requests the department to hold confidential as a trade secret or proprietary process, and the department grants confidentiality. If a person, municipal corporation, government unit, agency, or any other individual objects in writing to the decision by the department to grant confidentiality, the department shall review the objections and make a final decision pursuant to law.

History: 1991 AACS; 2000 AACS.

R 299.9006 Reporting exemptions.

Rule 6. (1) If a person reports a critical material on form R under the federal toxic release inventory program (section 313 of the emergency planning and community right to know act of 1986), the person is not required to report information required under R 299.9004(2)(f) and (g).

- (2) The following information is exempt from reporting under R 299.9004(2)(e):
- (a) The quantity of a critical material present in a process material provided that the following conditions are met:
    - (i) If the critical material is designated as a carcinogen in table 1. of R 299.9003, the material is not present at a concentration of 0.1% or more by weight.
    - (ii) If the critical material is not designated as a carcinogen in table 1. of R 299.9003, the material is not present at a concentration of 1% or more by weight.
    - (iii) The person does not manufacture the process material.
  - (b) The quantity of a critical material contained in a manufactured product provided that the quantity of the critical material used in and incidental to manufacturing the product is reported.
  - (c) The quantity of a critical material present in a structural component or permanent equipment at the location.
  - (d) The quantity of a critical material present in materials used for routine janitorial work or for grounds maintenance, including janitorial cleaning supplies, fertilizers, and pesticides applied at rates and at concentrations similar to consumer products.
  - (e) The quantity of a critical material present in products used for purposes of maintaining, operating, or fueling motor vehicles operated at the location.
  - (f) The quantity of a critical material used by employees or other persons for personal use at the location, including foods, pharmaceuticals, cosmetics, or other personal items containing critical materials.
  - (g) The quantity of a critical material present in supplies or products used in a cafeteria, store, infirmary, or other non-business activity at the location.
  - (h) The quantity of a critical material designated as a pesticide in table 1. of R 299.9003 used by a person who does not manufacture or formulate the pesticide.
  - (i) The quantity of a critical material present in a laboratory reagent in a single container which can hold 500 grams or less.
  - (j) The quantity of a critical material that is a fixed part of premanufactured assemblies or hardware obtained from another manufacturer and incorporated into a person's product.
- (3) The quantity of a critical material leaching from piping or equipment is exempt from reporting under R 299.9004(2).
- (4) The quantity of a critical material present in the intake water is exempt from reporting under R 299.9004(2).

History: 1991 AACS; 2000 AACS.

#### R 299.9007 Violations of reporting requirements.

Rule 7. A person who fails to file a wastewater report or amended wastewater report in a timely manner or who falsifies or fails to provide any information required by R 299.9004 is in violation of the act, and is subject to the enforcement provisions in the act. Upon notice from the department, a person who fails to file a report shall have 10 days from the date of the notice to file the wastewater report or submit an amended wastewater report. Failure to file a wastewater report or an amended wastewater report subjects the person to the enforcement remedies provided by law.

History: 2000 AACS.

#### R 299.9008 Rescission.

Rule 8. R 323.1231 to R 323.1236 of the Michigan Administration Code, appearing on page 1652 of the 1979 Michigan Administrative Code, and pages 362 to 364 of the 1985 Annual Supplement to the Code, are rescinded.

History: 2000 AACR.

R 299.9019 Rescinded.

History: 1991 AACR; 2000 AACR.