

MWEA IPP SEMINAR 2017

IPP 101

LEGAL FRAMEWORK

**EAST LANSING, MICHIGAN
SEPTEMBER 20, 2017**

IPP REGULATORY SCHEME

REQUIRED BY FEDERAL AND STATE LAWS AND REGULATIONS

FEDERAL

Clean Water Act

General Pretreatment Regulations (40 CFR 403)

Categorical Pretreatment Standards (40 CFR 405 - 471)

IPP REGULATORY SCHEME

REQUIRED BY FEDERAL AND STATE LAWS AND REGULATIONS

STATE

**NREPA Part 31 (“Water Resources Protection”)
(MCLA 324.3101 et seq.)**

Michigan Part 23 Rules (MAC, R 323.2301 et seq.)

NPDES PERMIT

IPP MINIMUM ELEMENTS

BASIC REQUIRED IPP COMPONENTS

Local SUO

Written IPP procedures (including ERP)

User Permits

**Interjurisdictional Agreements with Customer
Communities**

Attorney Certification Letter

IPP MINIMUM ELEMENTS

MINIMUM REQUIRED LEGAL AUTHORITY

Develop technically based local limits.

Deny/condition discharges that don't comply or cause NPDES violation.

Require compliance with pretreatment limits, standards, and requirements.

Issue user permits to SIUs to control discharges to POTW.

IPP MINIMUM ELEMENTS

MINIMUM REQUIRED LEGAL AUTHORITY

Require installation and use of pretreatment technology to meet applicable requirements.

Require submission of notices and self-monitoring reports.

Carry out inspection, surveillance, random sampling, and monitoring to independently confirm compliance with right of entry.

IPP MINIMUM ELEMENTS

MINIMUM REQUIRED LEGAL AUTHORITY

Assess civil/criminal penalties of at least \$1000, issue NOVs/Orders; seek injunctive relief.

Immediately halt/prevent discharge that might endanger health/welfare/environment.

Comply with confidentiality requirements.

Identify/locate/prepare list all nondomestic users that might be subject to IPP requirements.

IPP MINIMUM ELEMENTS

MINIMUM REQUIRED LEGAL AUTHORITY

Identify character/volume of pollutants contributed by identified nondomestic users.

Notify identified nondomestic users of applicable requirements, notify SIUs of their status and requirements, and notify MDEQ which users qualify as SIUs and why.

Comply with public participation requirement procedures including annual publication of users in Significant Noncompliance (SNC).

IPP MINIMUM ELEMENTS

MINIMUM REQUIRED LEGAL AUTHORITY

Develop ERP detailing how POTW will investigate and escalate enforcement in response to user noncompliance.

POTW must have sufficient resources and qualified personnel to carry out the IPP requirements.

FEDERAL PRETREATMENT **STREAMLINING**

BMPs as pretreatment standard

Slug discharge control requirements

Changes in the definition of significant noncompliance

Repeat sampling

FEDERAL PRETREATMENT **STREAMLINING**

Requirement to Report All Monitoring Data

Change in definition of “Responsible Corporate Officer”

**Flow-proportional vs. Time-proportional
Composite Sampling**

MIPP OR FIPP?

If a MIPP and not a FIPP, certain requirements may not apply to POTW (unless required by MDEQ).

QUESTIONS?

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