RESIDENTS SHOULD CONTACT EGLE'S 24-HOUR POLLUTION EMERGENCY ALTERING SYSTEM (PEA) HOTLINE AT 800-292-4706 - IF THEY WITNESS SEWAGE IN THE CANAL

The Jefferson-Chalmers WATER Project has requested that EGLE include Fox Creek in its Targeted Monitoring Program. We are awaiting their approval.

PLEASE NOTE EGLE RESPONSE TO COMMUNITY CONCERNS REGARDING WATER QUALITY - PAGE 3, PARAGRAPH 3.

Responsiveness Summary

GLWA WRRF

National Pollutant Discharge Elimination System (NPDES) Permit No. MI0022802

The draft NPDES Permit for reissuance for the Great Lakes Water Authority Water Resource Recovery Facility was placed on public notice on August 3, 2026, through September 10, 2026. A hybrid in-person and virtual public meeting and public hearing were held on September 3, 2026, at the Kemeny Recreation Center in Detroit, Michigan. During the public notice period, verbal and written comments were received from members of the local community and government officials.

Below is a summary of the comments received by the Michigan Department of Environment, Great Lakes, and Energy (EGLE), Water Resources Division (WRD), during the public notice period including the public hearing. Similar comments are organized and grouped together based on topic. When preparing this summary, actual comment language may have been abbreviated, paraphrased, and/or edited for clarity. Responses to comments regarding the NPDES permit follow the comments.

An NPDES permit may be contested within 60 days of issuance. Any person who is aggrieved by this permit may file a sworn petition with the Michigan Administrative Hearing System within the Michigan Department of Licensing and Regulatory Affairs, c/o the Michigan Department of Environment, Great Lakes, and Energy, setting forth the conditions of the permit which are being challenged and specifying the grounds for the challenge.

1. **Comments concerning Combined Sewer Overflow (CSO) Outfall 080 and discharges to Fox Creek.**
   Discharge from CSO Outfall 080 results in partially or untreated sewage in Fox Creek which flows through the Jefferson-Chalmers neighborhood. Discharges from this outfall should be eliminated.

   If discharge cannot be outright eliminated, additional requirements should be added to the permit to ensure protection of Fox Creek and public health in this neighborhood including:

   a) **Expanded requirements for notifying the public when discharge occurs**. Public notification systems and efforts should be installed, developed, and/or expanded including a public notification plan, warning lights, signage, opt-in text message alerts, online alerts, a volunteer network, public outreach, and/or public education. If possible, advanced notification of an expected discharge should be provided. Residents are not being notified when discharge occurs.

   b) **Increased discharge monitoring requirements**. The permit should require the installation of monitoring equipment that allows real-time data to be accessible to the public at all times.

   c) **Requirements to monitor and improve water quality in Fox Creek**. The permit should require water quality monitoring in Fox Creek to ensure water quality standards are met. Regular backwashing of Fox Creek using water from the Detroit River should be conducted and a permanent source of freshwater for Fox Creek should be identified.

If discharge through CSO Outfall 080 does occur, or when the permittees fail to maintain and effectively operate their treatment system, stronger enforcement action must be pursued whether it be financial penalties or required investment in the community.

Part II.C.9. of the proposed permit sets forth circumstances under which discharges could be permissible from CSO Outfall 080. The permit should define language included in Part II.C.9. including "no feasible alternatives to the bypass," "adequate backup equipment," and "in the exercise of reasonable engineering judgement."

Lastly, actions need to be taken to prevent the Grosse Pointe communities from polluting surface water downstream. While actions have been taken to prevent basement backups in these communities, Detroit neighborhoods now bear the burden of wastewater from these communities being discharged to Fox Creek.

EGLE-WRD Response

Discharge from CSO Outfall 080 to Fox Creek is prohibited. While discharge from this outfall is prohibited, the outfall can provide system relief during significant storm events that have the potential to cause sewer level surges resulting in basement backups. If this outfall was bulkheaded (eliminated) the likelihood of basement backups would increase.

There is a gate at CSO Outfall 080 that has a level sensor for both the sewer and Fox Creek. A signal from this outfall is continuously sent to the permittees' Systems Control Center (SCC). The SCC can detect when the gate opens and whether the sewer level is high enough to overcome the level of Fox Creek. Part I.A.17. of the permit requires the permittees to maintain and test the monitoring and operating equipment at CSO Outfall 080 to ensure that the equipment is operating correctly and any discharge from the outfall is identified. Since the facility's current permit took effect in July 2019, there has been one documented discharge from this outfall which occurred on June 26, 2021. On this date, the monitoring system showed the gate at this outfall opened.

All instances of noncompliance with the permit are addressed in accordance with EGLE-WRD's established compliance and enforcement procedures. Any discharge from CSO Outfall 080 is a violation of the permit. If discharge from the outfall does occur, enforcement discretion may be considered by EGLE-WRD if the discharge was unavoidable to prevent loss of life, personal injury, or severe property damage, or there was no feasible alternative to the discharge. Feasible alternatives may differ depending on why and where a bypass occurs in the treatment system.

CSO discharge notification requirements included in the permit meet both federal (40 CFR 122.38) and state (324.3112a of the NREPA) public notification requirements for CSO discharges to the Great Lakes Basin. The requirements include the development of a public notification plan that describes how the permittees will ensure the public receives adequate notification of CSO occurrences and CSO impacts. Public notification is required no later than four (4) hours after becoming aware of a CSO discharge. Additionally, signage is required at all CSO discharge points. If any CSO discharge occurs, the permittees provide the required notification in accordance with this EGLE approved public notification plan. The plan is available via EGLE's MiEnviro Portal and on the GLWA website. Any additional notification systems are not required by law.

The permit also requires the permittees to notify EGLE via the MiEnviro Portal system if a CSO discharge occurs. CSO notifications are listed on our website. The list is available to the public using the following link: https://mienviro.michigan.gov/ncore/external/overflow/list.

The purpose of the proposed permit is to control discharges of pollutants into surface waters of the state. An NPDES permit does not stipulate management of surface waters of the state or withdrawals from surface waters of the state. Any manipulation of Fox Creek would require approvals outside of this NPDES permit. Water quality monitoring in Fox Creek and backwashing of Fox Creek will not be addressed in the permit. Although these items will not be addressed in the permit, other avenues may exist by which these requests may be achieved.

First, EGLE's Nonpoint Source Program has partnered with Wayne State University and the Eastside Community Network for the development of the Detroit River Watershed Management Plan. This is a document that provides a strategy for local partners to address water quality and water quantity goals to protect and restore waterbodies within a designated planning area, which includes the Jefferson-Chalmers neighborhood. The plan has been drafted and is awaiting review from USEPA and approval from EGLE. Please note, while these plans are reviewed and supported by EGLE, EGLE does not lead the development of the plan.

Second, EGLE-WRD solicits targeted surface water quality monitoring recommendations every year. A targeted monitoring request is an opportunity for stakeholders to provide input on potential water quality monitoring locations for EGLE-WRD staff in the upcoming field season. More information concerning targeted monitoring requests and how to submit one can be located on EGLE's website using this link: https://www.michigan.gov/egle/about/organization/water-resources/glwarm/monitoring-request-form. Please note, water quality monitoring would not be conducted during storm events. The focus of the monitoring would be the condition of Fox Creek, not sampling of a CSO discharge.

Finally, if there is concern or evidence that CSO Outfall 080 is discharging, please call our 24-hour Pollution Emergency Alerting System (PEAS) hotline at 800-292-4706 to report the discharge to EGLE. This will help us investigate any potential violations of the permit and take appropriate response actions.

2. **Untreated or Partially Treated Sewage Discharge Reporting and Testing Requirements**

Part I.A.5. of the permit authorizes the discharge of treated combined sewage from six (6) retention treatment basins. This condition defines event as commencing when combined sewage is discharged into the facility and ending when effluent flow (if any) ceases and does not resume within 24 hours. The requirements for monitoring and reporting of fecal coliform bacteria state that for purposes of reporting for a discharge event that occurs on multiple calendar days, the pollutant concentrations for the event shall be reported on the day the discharge event ended.

Part II.C.6. states, "Any noncompliance which may endanger health or the environment . . . shall be reported, verbally, **within 24 hours** from the time the permittee becomes aware of the noncompliance by calling the Department.

These benchmarks leave open an indeterminable amount of time in which the public could suffer health injuries before EGLE is even aware that such harms are present. The permit should go further and require that an early warning system be established to warn the public of the potential health harms within the established 24-hour period. The permittees should be required to directly warn the public of potential health harms the moment they do become aware of them, rather than relying on the chain of information to flow through EGLE.

EGLE-WRD Response

As stated above, public notification is required no later than four (4) hours after becoming aware of a CSO discharge. While fecal coliform bacteria sample results may not be immediately available, the required discharge notification will provide notice to the public of the public health concern. The requirement to verbally report noncompliance which may endanger public health or the environment with 24 hours is established in 40 CFR 122.41(l)(6). These notification timeframes are specified in law.

3. **Final Effluent Limitations for Total Phosphorus and Part I.A.13. Total Phosphorus Evaluation**

The Detroit Water and Sewerage Department (DWSD) is responsible for the replacement of lead service lines in the City of Detroit. The GLWA is required to fund and implement capital improvements to the regional water system. The permit should require GLWA to work with DWSD to develop a plan and make a targeted commitment to meet a total phosphorus limit of 0.5 mg/l. The public should have the opportunity to provide input on this planning process and the goals and commitments of GLWA and DWSD should be made readily available to the public.

EGLE-WRD Response

DWSD and GLWA are co-permittees. Both are responsible for complying with the requirements of the draft permit. Part I.A.13. Total Phosphorus Evaluation has been revised to clarify that it applies to both permittees.

Lead service line removal is being completed in accordance with federal and state Lead and Copper Rules. DWSD has developed a Lead Service Line Replacement Program to complete this work. Lead and Copper Rule requirements will ensure lead service line removal is completed within a certain timeframe. This will then trigger the requirement in the permit for the permittee to develop a work plan for determining the facility's ability to comply with a growing season average limit for total phosphorus of 0.5 mg/l.

While submittals required by the permit will be reviewed and approved by EGLE-WRD, all submittals and related responses will be publicly available.

4. **Long-Term Combined Sewer Overflow Control Plan**
The permit does not adequately address the remaining 0.8 billion gallons of untreated CSO discharged annually into the Detroit and Rouge Rivers. The Long-Term CSO Control Plan needs to be created, focused on, and implemented, not just allowed to be put on hold.

EGLE-WRD Response
The permittees have made significant progress in controlling untreated CSO discharges to the Detroit and Rouge River; however continued effort is necessary to eliminate or adequately treat the remaining discharges to comply with Water Quality Standards. The Long-Term CSO Control Plan is not being placed on hold. This permit requires continued implementation of Phase I of the permittees' Long-Term CSO Control Plan. Specifically, the permittees are required to construct in-line storage facilities that will control CSO Outfalls 064 and 074. Additionally, the permit requires the completion of a study for the feasibility and design of Netting and Disinfection Facilities that would correct three (3) more CSO outfalls.

Beyond implementation of the Phase I CSO Control Plan, the permit requires submittal of Phase II of the CSO Control Plan by January 1, 2032. Phase II will focus on requirements for both water quality protection and immediate public health protection from basement backups and address the remaining high-priority non-core CSO outfalls.

There remains significant work to be done to address all remaining CSO discharges identified in the permit. EGLE-WRD believes the requirements included in the permit will effectively drive CSO correction resulting in improved water quality and public health.

5. **Green Stormwater Infrastructure (GSI)**
Focus should be continued to be placed on GSI. Climate change will continue to stress the region and facility's collection system. The permit should be revised to require additional monetary investment toward the development of GSI. Additionally, the permittees should be encouraged to specifically work with upstream stakeholders to implement GSI to help control impacts downstream.

EGLE-WRD Response
A specific monetary investment toward the development of GSI will not be specified in the permit. The permit requires the permittees to identify opportunities to implement new GSI projects that align with the Wastewater Master Plan and/or the approved Long-Term CSO Control Plan. The permit is intended to improve water quality utilizing a watershed-based approach. While GSI has been successfully implemented to capture, reduce, or otherwise control wet weather flows that would otherwise flow into the sewer system and contribute to CSOs, there may be alternative control measures that have a greater net benefit on the watershed. The requirements of the permit allow for flexibility in determining the best path forward for improving water quality.

6. **Compliance Schedule for Final Effluent Limits for Perfluorooctanesulfonic Acid (PFOS)**
   EGLE-WRD should revise the proposed compliance schedule for final effluent limits and reporting requirements for PFOS. Per the proposed permit, PFOS is not being limited at Monitoring Point 049F until September 1, 2031. This compliance date is 17 years after EGLE established Michigan Rule 57 values for PFOS in surface waters. Given the health hazard that PFOS presents to humans when ingested, the acknowledgement that the facility discharges into surface waters designated as a drinking water source, and data showing that the current PFOS levels exceed Rule 57 limiting criteria, the schedule for compliance with the final effluent limits for PFOS should be moved up to within the next year (i.e., by September 1, 2027).

   EGLE-WRD Response
   As a participant in the Industrial Pretreatment Program (IPP) PFAS Initiative, the GLWA has identified 45 industrial sources of PFAS to their collection system as of June 2024. The type of industrial sources includes landfills, centralized waste treaters, metal finishers, electroplaters, industrial laundries, facilities with Aqueous Film-Forming Foam (AFFF) contamination, paint formulators, and mixed manufacturing complexes. While the GLWA has developed an EGLE approved local limit of 65 ng/L for PFOS on the discharge from industrial sources, the full implementation of the local limit was delayed due to the switch in IPP legal authority from DWSD to GLWA and adoption of the local limit amongst the 77 contributing municipalities. Furthermore, installing PFAS treatment at industrial sources can be complex depending on the wastewater characteristics, the type of treatment technology being deployed, and the amount of wastewater being treated.

   In addition, the GLWA is in the beginning stages of implementing a PFAS assessment and remediation project within the Oakwood Sewer District. The project will consist of numerous rounds of sampling to understand the temporal and spatial variability of PFAS within the sewer district. The information gathered will then inform the development of a mitigation and remediation plan. The project is expected to be completed in June 2028.

   Due to the reasons outlined above, the effective date for the PFOS effluent limit will remain September 1, 2031.

7. **What evidence does EGLE have that basement backups have not occurred since the 2021 flooding event?**

   EGLE-WRD Response
   Basement backups are not reported to EGLE and EGLE does not track the occurrence of basement backups.

8. **There has not been adequate public notice when this NPDES permit has been reissued in the past.**

   EGLE-WRD Response
   During each reissuance of this permit, EGLE-WRD adheres to the public notice requirements outlined in the Part 21 Rules for Wastewater Discharge Permits. This includes public noticing proposed draft permits for a minimum of 30 days to receive public comments and public noticing any scheduled public hearings for a minimum of 30 days. Additionally, EGLE-WRD has held a public hearing each time this permit is reissued due to the significant area and population this permit impacts. There has been opportunity for public input on this

permit during each reissuance. If there is opportunity to better reach members of impacted communities during the next permit reissuance, we would be happy to consider them.