



MDEQ Revoking Groundwater Discharge Permit Exemption under 2210(y)?

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Rule 2210(y) exempts a facility from the requirement for a groundwater permit with an MDEQ determination that the discharge has an insignificant potential to be injurious. However, what MDEQ has been doing is simply issuing a permit pursuant to “Rule 2210(y)” rather than providing the exemption from the permit that is required by the Rule. Thus, MDEQ’s “Rule 2210(y) permits” are of questionable validity and often impose obligations considerably in excess of those required by the statute or rules, including such things as submittal of self-monitoring data, unreasonably low discharge limits, retention of records, and burdensome reporting requirements.

If you have received such a draft “permit” from MDEQ, you should carefully consider whether or not you wish to accept it. In accepting it, you may be subjecting yourself to unlawful and unnecessary regulation. On behalf of

clients, we have challenged MDEQ’s 2210(y) “permits” and have been able to obtain reasonable terms acceptable to our clients.

If you have any questions or concerns about this or other groundwater issues, please contact Tim Lundgren at 616/336-6750 or Matt Zimmerman at 616/336-6536.

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